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U.S. EFFORTS AGAINST INTERNATIONAL DRUG TRAFFICKING

HEARING

BEFORE THE

CAUCUS ON
INTERNATIONAL NARCOTICS CONTROL

OF THE

UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

INTERNATIONAL DRUG TRAFFICKING

MARCH 16, 1988

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SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

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U.S. EFFORTS AGAINST INTERNATIONAL DRUG TRAFFICKING

WEDNESDAY, MARCH 16, 1988

U.S. SENATE,
SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL,
Washington, DC.

The Caucus met, pursuant to notice, at 9:30 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Dennis DeConcini, (acting chairman of the Caucus) presiding.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DECONCINI. Ladies and gentlemen, the Senate Caucus on International Narcotics Control will come to order.

I do want to pay particular thanks to our chairman of this committee, Senator Joe Biden, for making the hearing possible today and for his continued strong leadership and dedication to this country's battle against drugs. My good friend cannot be here today because of surgery, but we know that he is with us not only in spirit but commitment. He has stood up time and time again on this subject matter.

I am also pleased to have Senator D'Amato, the vice chairman of this committee, along with Senator Dixon, a member of the committee, and Senator Wilson.

I am going to put my prepared statement in the record, which goes into the certification of Mexico and other countries and a number of different things that I feel very important to set aside and in the record. I will just put that in the record.

I would like to say, however, that we have a serious problem with these hearings and a serious problem with the Justice Department and Attorney General Meese on keeping the facts about Mexico's involvement in international narcotics trafficking from being made public. I am greatly concerned and disturbed at what has happened to us here. Though this committee has the power of subpoena, we did not use it because we were assured that we would have Attorney General Nunez from San Diego or U.S. Attorney Robert Bonner from Los Angeles. Both of these U.S. attorneys have worked extensively on narcotics cases involving Mexico. Mr. Bonner recently indicted nine Mexicans in a kidnapping and murder of a DEA agent, Enrique Camarena. Mr. Nunez worked with the DEA in Customs to bust a major cocaine operation involving several Mexicans and Bolivians. Three Mexican military officials were indicted by Nunez including a general and two colonels.

We were told by Justice we could have one of these U.S. attorneys from California and that they would help secure that individual and see that he was made available to present his views and background of this case without jeopardizing the trial of those cases.

The Caucus also felt that John Gavin, former Ambassador to Mexico, would be an excellent witness, and he advised me that he would be with us. Mr. Gavin said himself that his view of Mexico was that it was another Colombia waiting to happen. This is what he told me when I asked him to be with us today.

We got word yesterday afternoon that Mr. Gavin would have to cancel because of illness. We hope that he recovers very soon.

These three individuals have never hesitated to speak out on Mexico in the past. Suddenly, when they have the opportunity to testify at the hearing, they cannot make it.

The State Department recently blasted Mexico's effort and their strategy report on international narcotics control, yet President Reagan certified Mexico as being fully cooperative. I have been told that Assistant Secretary of State Ann Wrobleski felt that Mexico was not fully cooperative with the United States and they should be certified only because of national security interests. Mr. Meese, it was reported in the New York Times on March 2, it says, according to administration officials Attorney General Ed Meese, who has consistently praised Mexico's cooperation, lobbied successfully in an interagency meeting last week to approve Mexico unconditionally and to certify them.

This is very disturbing with the facts and the information that I have and I think we will develop here today and in other hearings that are planned. I only wish the Attorney General would find time himself to cooperate with us. I have had the benefit of meeting with Attorney General Meese on several individual private meetings. We have some things in common. He is prepared, he says, to work with Congress. Yet, when we want witnesses and we would like to have him participate here, he is too busy.

Let me just say that that concerns me a great deal.

[Prepared statement follows:]

PREPARED STATEMENT OF SENATOR DENNIS DECONCINI

I want to first thank the chairman of the International Narcotics Control Caucus, Senator Joe Biden, for making this hearing possible and for his continued strong leadership and dedication to this country's battle against illegal drugs. My good friend cannot be with us today because he is recovering from recent surgery—but I know I speak for all my colleagues here in wishing him a complete and speedy recovery.

I have been, and continue to be, critical of the lack of commitment and priority by the Reagan administration and Congress in waging an effective effort against illegal drugs—both domestically and internationally. There is nothing wrong with offering criticism if you are working to improve the situation. To move forward in a positive fashion, I believe you must listen to those who have first hand experience in fighting the battle.

This morning, we are fortunate to have with us four witnesses who can each provide expert testimony on a particular area of this Nation's assault on illicit drugs. We must listen carefully to these experts in order to learn what is working, what is not working, and what additional resources or tools are needed to wage a serious war on drugs. The truth is that the United States is engaged in a deadly war with a foe that grows stronger and more powerful each day, and we need all the information possible to mount the most effective battle possible.

The perception that the problem is confined to certain groups of people or areas of this country is completely false. The illegal drug epidemic is not an issue of black or white, of rich or poor, of inner city or suburb. It is everywhere. It is a cancer that we must all contend with and all join together to fight.

For those who believe this is a low priority issue—let me reiterate some findings of two recent national studies. A Justice Department report demonstrated a strong link between illegal drug use and crime. Here in Washington over 77 percent of the males arrested for serious crimes during a 6-month period last year tested positive for drugs. Is it any surprise that since the first of the year, a record number 66 murders have occurred in the District? Over two-thirds of these killings have been drug related.

A report issued by the General Accounting Office found that the economic cost of drug abuse in this country is close to $70 billion a year in lost employment, criminal justice expenses, and treatment. The GAO study also reported a 124-percent increase in the number of cocaine related deaths between 1983 and 1986. And it revealed that the purity level of cocaine being sold on the street is now close to 70 percent—and the price is declining.

Outside this country international narcotics organizations are growing in strength and numbers. In Colombia, fear and bribery have made that country's criminal justice system a free-fire zone of the drug cartel. Drug violence is king. One of Colombia's cocaine barons, Jorge Ochoa, bribes his way out of jail. It is reported the cartel was willing to spend $20 million for his release.

The Medellin cartel kidnapped, then killed Colombia's attorney general when he began to investigate the release of Ochoa. A day earlier, the traffickers declared total war on Colombian officials who would attempt to extradite them to the United States. The attorney general became the latest victim in a string of drug murders that include journalists, a justice minister, and 21 judges handling drug cases.

This past February 7 marked the third anniversary of the kidnapping and torture-murder in Mexico of DEA agent Enrique Camarena. It took 3 years for indictments to be handed down in the Camarena case. When they came, they came from the United States attorney in Los Angeles—not the Mexican Government.

It is difficult to point the finger at these drug producing and transshipment countries when, for the most part, it is the United States consumption of drugs that fuels the cartels. Nevertheless, we need cooperation from these countries if we have any hope of mounting a successful international narcotics control effort.

To measure whether a country is being fully cooperative in the war on drugs, the President must decide whether they should be granted certification. On March 1, President Reagan certified major drug producers: Mexico, Colombia, Bolivia, and Peru. You have to question the definition of full cooperation in the case of Mexico when the production in 1987 of marijuana and opium increased over 1986 levels. Is Peru being fully cooperative when the manual eradication of coca dropped from 2,500 hectares in 1986 to less than 800 hectares in 1987?

The President decertified Panama this year, but only after General Noriega was indicted on drug charges by United States attorneys in Florida, Kellner and Merkle. However, the President did not impose any additional sanctions against Panama that were not already put in place by the State Department last summer. Under the certification provision, the President could have denied Panama preferential tariff treatment. He did not. The president could have increased United States duty on Panamanian goods up to 50 percent. He did not. The President could have taken away all airport landing rights in the United States. He did not.

This type of hand slapping by the United States is not going to send much of a message. We must get tough on illegal drugs both a home and abroad. It must be a long-term national priority—not an issue that is tied to election year cycles. The security of our country and the lives of our children, depend on it.

Senator DECONCINI. I am very pleased to have Mr. Kellner here, a leading prosecutor, who will get into his statement shortly, and the U.S. attorney, Mr. McNamee, who has set a sterling record in Arizona in dealing with organized crime and narcotics cases. We will get to those witnesses shortly.

At this time I will yield to the distinguished vice chairman of this Caucus, the Senator from New York, Senator D'Amato.

OPENING STATEMENT OF SENATOR D'AMATO

Senator D'AMATO. Mr. Chairman, let me commend you for your untiring efforts in this battle to sensitize not only the administration but our colleagues and to get some definitive action as it relates to the so-called drug war, which to date has been the war that has been waged aggressively and successfully against the American people, against many of our neighboring countries, in the Caribbean, in Central America, and indeed in Mexico. So let us understand that there is a war.

That war has been a one-sided war. The casualties in that war have been the people of these other countries, our civilians, and, yes, even the people and the resources that we have committed in our efforts have been savaged as a result of their being understaffed and as a result of a policy which fails to clearly say drugs and the battle against international drug cartels is a high priority if not the highest priority.

I think it is going to behoove this administration and future administrations, if we are going to have any success, to put this on the front burner as it relates to dealing with other nations.

It should not be put on the back burner whether it is with Mexico, as it has been with Panama, or as it has been with many of the nations in the Caribbean Basin. It should be a top priority. Then we will begin to galvanize this nation and to marshall our resources.

Mr. Chairman, I am going to ask that my opening remarks be submitted for the record as if read in its entirety to save some time. I felt compelled to at least make those statements.

[Prepared statement of Senator D'Amato follows:]

PREPARED STATEMENT OF SENATOR ALFONSE D'AMATO, COCHAIRMAN, SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

Good morning, Mr. Chairman. First let me join you in thanking Chairman Biden for calling this hearing and in wishing him a full and speedy recovery. We are here today to examine one of the saddest failures of our time, our failure in the so-called war on drugs.

We have not won this war because we have not really fought it.

Unlike us, the drug traffickers are fully engaged in a war, and they are winning.

On February 29, I attended the funeral of Edward Byrne, a 22-year-old New York City police officer. Eddie was gunned down by contract killers working for drug dealers. They killed Eddie because they wanted to make the point that they could kill anyone—even a police officer—at will.

In Panama, Haiti, and other countries, a claque of tin-horn drug dealing dictators, hiding behind the puppets they install, are turning entire governments into criminal drug enterprises.

When will our Government begin the full mobilization that is required? Are we waiting for the total collapse of the Mexican economy? How many more Eddie Byrnes will have to be killed before we act?

THE ANTI-DRUG ABUSE ACT OF 1988

Next week, Mr. Chairman, you and I, and the other members of this caucus, will announce the introduction of the "anti-drug abuse act of 1988." This bill provides more than $2 billion in increased support for antidrug programs, including:

A more than $400 million increase for drug rehabilitation. For the first time, it will provide a major commitment of Federal resources for the building of drug treatment centers;

Increasing Federal assistance for drug prevention to $300 million in 1989, and $350 million in 1990;

Additional funds for prosecutors, courts, and prisons to help unclog our criminal justice system; and

Increased economic assistance for countries that eradicate drug crops and bring major drug traffickers to justice.

I look forward to working with you in building support for this legislation. But we need much more than this bill. We need a complete commitment to combat the drug epidemic. That means:

A foreign policy that puts the drug threat at the top, instead of near the bottom, of its priorities;

Doing away with the ban on the direct participation of military personnel in drug enforcement activities. This law, known as posse comitatus, must be amended.

And yes, Mr. Chairman, we need the death penalty for drug kingpins and those who kill our law enforcement officers.

Our Customs Commissioner recognizes how bad the situation is, and we will be hearing from him later today.

In a letter he sent on February 23 to the Assistant Secretary of State for International Narcotics matters, he says:

"There is corruption among senior level Mexican law enforcement officials, and corruption is pervasive throughout the law enforcement and military systems. We cannot fulfill our obligation to the American public of preventing drugs from entering the country as long as the present corrupt situation prevails in Mexico. Powerful Mexican officials are providing safe havens to drug traffickers and making it possible for narcotics to be smuggled into and out of Mexico with impunity. The problems in Mexico are so severe and ingrained, that strong action by the United States Government is absolutely critical."

Instead of the strong action the Customs Commissioner called for, the State Department actually recommended the certification of Mexico as a country that cooperates fully with the United States in fighting narcotics.

That recommendation lacks all credibility, and I am committed to opposing it with Senators Wilson, DeConcini, and others on the Senate floor.

America is beseiged, and the power of the international drug cartels grows stronger by the day.

In Colombia, they have brought the government to its knees. Through the murder of Colombia's attorney general, justice minister, and many of its judges, the cartel has so terrorized the Colombian Government that it has abandoned the extradition of Jorge Luis Ochoa and other major drug traffickers.

The problem is worse than it has ever been.

We must stop pretending otherwise.

But as soon as we do stop pretending, as soon as we start to really fight back, there is nothing this country can't do.

It will take a long time, and it will not be easy.

But it can be done.

Senator D'AMATO. Mr. Chairman, I would like to say that I know that the efforts of U.S. attorney from Miami, Leon Kellner have not been easy. It has been difficult and pressure filled, with people second-guessing him.

Leon, you have not only this Senator's thanks and the thanks of this committee but I believe the thanks of millions of Americans, when the full story is revealed in terms of your courageous activities under the most difficult of circumstances and pressing ahead with the indictments that you have been successful in achieving as it related to Noriega and Panama. If there was any one single act that will help bring about the fall of this dictator and, hopefully, the return to some civilian rule and democracy in that area, and waking up this Nation to the threat of the narco-militaristic terrorists who have been dominated by the drug cartel, it was that indictment. I think that has been a turning point, the indictment of the Haitian strongman, Col. Jean Claude Paul, is another very significant factor. You certainly have our deep respect for the manner in which you have proceeded so diligently in bringing these people to the bar of justice and to international attention and to the attention of our own people.

I commend you for that.

Mr. KELLNER. Thank you, Senator.

Senator DECONCINI. Thank you, Senator D'Amato.

I yield now to the Senator from Illinois, Mr. Dixon, who has been a leader in this effort ever since he came to the Senate. We are so glad to have his leadership. Being far away from the Mexican border and our Southern border, he has been a strong supporter of the efforts along our border. I want to thank him publicly for his expansionism in dealing with this problem not only in the Northern part of the United States but the Southern.

Senator Dixon.

OPENING STATEMENT OF SENATOR DIXON

Senator DIXON. Thank you, Mr. Chairman. I would like to thank you for calling this important and timely hearing. You have long been a leader in the Senate in the effort to combat drugs. Over the years I have benefited greatly from your knowledge and insight in this critical area.

The simple truth is that we are losing the war on drugs. The State Department reports that between 1986 and 1987 the production of coca increased by more than 10 percent in the traditional growing countries. The worldwide marijuana crop increased by 26 percent. The opium crop grew by 18 percent.

Day after day we read that Mexico, the largest supplier of heroin and marijuana to the United States, has such a widespread corruption problem that it is undermining the effectiveness of our anti-drug efforts there.

Colombia provides over 70 percent of the cocaine to the United States and refuses to extradite cocaine traffickers to the United States.

Panama is under control of General Noriega, who has been indicted in the United States for his involvement in drug trafficking.

Haiti is not even listed by the administration as a major drug transit country. However, last week Colonel Jean Claude Paul was indicted for his involvement in narcotics trafficking.

The situation throughout the world is out of control. Drugs are devastating this country. In my home State of Illinois over 100,000 adults are drug abusers. Seventy-three percent of Chicago men arrested for serious crimes use illicit drugs. The Illinois economy loses an estimated $7 billion a year through crime, health care costs, and lost worker productivity due to drug abuse.

This problem is destroying the lives of the young people in this country. In Illinois over half the high school seniors in the class of 1986 report that they have used marijuana; 17 percent report having used cocaine; 23 percent report having used other stimulants.

Our society is being rotted by drugs. We must find a way to turn the tide and start winning this war. The distinguished witnesses testifying today have been invited because they are aware of the urgency of this crisis. They have been in the trenches fighting the battles both here and overseas.

Mr. Chairman, I look forward to hearing their testimony. We on this panel are looking for ideas. We must do more. We must become more effective. This is a war we cannot afford to lose.

Mr. Chairman, I ask that my complete remarks be entered into the record.

I thank the Chair.

Senator DECONCINI. Without objection, it is so ordered.

Thank you, Senator Dixon.

I will now yield to the Senator from California, who has introduced a resolution on a certification matter, decertifying Mexico, and has led a charge second to none. I am pleased that he would join us today.

Senator Wilson.

OPENING STATEMENT OF SENATOR WILSON

Senator WILSON. Thank you very much, Mr. Chairman. First, my congratulations to you and my thanks for convening this hearing.

My thanks, too, for the leadership which you have demonstrated time and again, most recently this morning in your comments.

I am delighted that we have Leon Kellner and Stephen McNamee before us. They are two distinguished U.S. attorneys. I am distinctly unhappy that we have neither Pete Nunez nor Rob Bonner, their colleagues in San Diego and Los Angeles, respectively.

I cannot think that it is because of any reluctance on the part of those gentlemen to state here in Washington the same kinds of things that they have said publicly at other times in California. Clearly, the outspoken and courageous comments of our former Ambassador, John Gavin, I think still ring in the ears of any who have paid even casual attention to a problem that is not one deserving of casual attention.

Let me just say, Mr. Chairman, that the resolution of disapproval which I have introduced which you and Senator D'Amato and many others of our colleagues have signed, I hope will gain sufficient support so that in fact the government of Mexico understands that the problem of corruption there is not a matter of internal concern to Mexico alone. When it results as in fact it does in Mexico being a portal through which come fully a third or more of all of the marijuana, cocaine and heroin entering the United States, that is not a matter of purely internal concern.

I must say that when a recent survey of the twelve major cities in the United States including Los Angeles and San Diego showed that of male felons arrested for non-drug-related felonies, that two-thirds of them tested positive for a drug other than marijuana. The relationship between the narcotics traffic and the problem of violent crime in this nation is virtually inescapable.

When $117 million are taken from the Coast Guard budget, that virtually eliminates their capability to conduct drug interdiction missions. It is a matter of vital immediate concern to police chiefs because it makes the lives of their street cops and kids on school grounds more dangerous than it need be.

The response of Mexico, whatever improvement may be noted, is, frankly, just grossly inadequate. We cannot turn a blind eye or a deaf ear to the inadequacy of that effort. To say that Mexico is in

full cooperation is to make a mockery of the law which the Congress of the United States passed in 1986 in reaction to public outrage.

So I can only say that last year, when certification was made, I do not think the attention of our colleagues was fully focused on exactly what the import of Mexico's failure has meant. There has been a year they have an opportunity to make clear what it is that they intend to do.

The kinds of things they are not doing does not exact of Mexico vast expenditures of money. We understand their economic crisis. We are not seeking to aggravate it. On the other hand, it costs them nothing to permit hot pursuit into Mexican air space, as the Bahamians do. The Bahamians could as easily assert sovereignty, but they do not, understanding that this international menace requires international cooperation, which in fact they give us. Bahamian officers with U.S. officers on U.S. aircraft. When there is pursuit into Bahamian air space or over Bahamian waters, and a smuggler is forced down on Bahama, it is Bahamian officers who make the arrest.

That could just as easily happen with our friends from Mexico. So the assertion of sovereignty, in my judgment, is no adequate response. It costs Mexico very little money to vigorously prosecute the suspected kidnappers and murderers of Enrique Camarena.

The kinds of things that we are asking by way of cooperation do not cost vast sums of money. If they did, clearly it would be in the interest of the United States to be generous in fully covering those costs, considering the costs that Mexican failure to cooperate has inflicted upon our people.

I will just say that I think that we owe it not only to the young people who are the target of this traffic, but we will hear later this morning in addition to hearing from Mr. Kellner and Mr. McNamee from representatives of the Drug Enforcement Administration. If we are going to ask young drug agents to go out and serve undercover, be they street cops or be they agents of the Drug Enforcement Administration, we owe them, in my judgment, the greatest protection that can be given in what is perhaps the most dangerous undertaking I can think of.

Mr. Chairman, later I intend to introduce legislation seeking to give them the protection of a Federal death penalty, which in fact is needed as demonstrated by the recent murder of two DEA agents in California. But I commend you in your untiring efforts to try to bring a brighter focus to a spotlight that has not yet shined sufficiently to awaken a number of people to this peril.

I would have to say that it has not yet awakened—and it pains me to say this—I do not think there has been an adequate response really on the part of the Justice Department. The fact that they can in the interest of seeking greater cooperation, refuse to admit that there has been nothing like the cooperation required from Mexico is a source of deep distress to me. I think that it necessitates on the part of the Senate that we take the action to approve that resolution of disapproval. I commend you, the ranking member, and others for your outspoken pursuit of the kind of awareness that is required.

Thank you.

Senator DECONCINI. Thank you, Senator Wilson.

I am very pleased to have join us the junior Senator from Florida, who just yesterday introduced sweeping legislation dealing with the fraudulent elections and the tremendous drug traffic through the country of Haiti. Senator Graham, I am glad to join you with that and am very pleased to have you here.

I yield to the Senator from Florida.

OPENING STATEMENT OF SENATOR GRAHAM

Senator GRAHAM. Thank you, Mr. Chairman. I join in my statement of appreciation for your long efforts in this very important issue and holding this hearing today.

There has been a tendency to think of drug trafficking and national security as two separate issues. We are, I believe, beginning as a nation to appreciate the fact that those two are in fact synonymous, that if we are to have the kind of fundamental security of our Nation, that we must win the war against the avalanche of drugs which is pouring across our borders and being consumed by our people.

To win that, as in any other engagement, there needs to be a sustained commitment behind a war plan of victory. In many ways we are now in the posture of the United States in the late spring of 1943 after having declared war on the Axis in December of 1941. We are now the same time frame away from our declaration of war of October 1986 on drugs. In the spring of 1943 we would not have thought of abandoning North Africa because things were not going well there. Yet, today we are seeing an abandonment of adequate support for our Coast Guard.

In the spring of 1943 we would not have considered withdrawing our Navy from the Pacific. Yet, we are seeing a reduction of our efforts at the suppression of drugs through effective education programs.

In the spring of 1943 we would not have thought to have placed off limits southern Europe as an area of our military attention. Yet, we have placed off limits a major new area of drug transshipment: Haiti.

One dimension of our war and of our sustained commitment is our commitment to the international dimensions of drug trafficking.

I want to particularly commend Mr. Leon Kellner, with whom I have had the opportunity to work for a number of years and benefited by his wise counsel, and as a citizen of America benefited by his effective professional service to the criminal justice system. I especially wish to commend him for the dedication that he has shown in recent indictments of major drug traffickers in Panama and Haiti.

Mr. Chairman, while we are going to be covering a number of nations today, I will spend most of my questioning time focusing on Haiti. This is a country that has in fairly recent past become a new major transshipment point for drugs. I was distressed that it was not on the list of countries surveyed for the necessity of certification or decertification. As you indicated, most of us on this panel have cosponsored legislation that would direct the administration

to undertake such a study. I would hope that today's hearing would help provide us some further evidence which would serve as an impetus to the administration and in support, should that be failing, of the legislation that we have proposed to the Senate and to the House of Representatives.

Mr. Chairman, I thank you for this opportunity.

Senator DECONCINI. Thank you, Senator Graham.

[Prepared statement follows:]

PREPARED STATEMENT OF SENATOR GRAHAM

Mr. Chairman, distinguished caucus members:

It has become impossible to ignore the gravity of the matter we discuss today. The streets around us right here in Washington have erupted into the deadly violence many of us have already seen in our own states.

Yesterday I and my colleagues in the House and the Senate introduced legislation to impose sanctions on Haiti. An important consideration in those sanctions is a re-examination of the drug traffic flowing through Haiti—and ultimately into our cities and schools and neighborhoods.

Haiti is a good case in point to illustrate that illegal drug traffic has become a critical issue of national security. To examine Haiti's role in the drug grade we must ask questions of ourselves:

Where is our drug effort now?

What are we doing/what are we not doing to stop drug traffic?

What will it take for us to start winning this war?

Haiti is a classic case of a corrupt government, economic chaos, and political instability providing fertile ground for a drug trade to take hold and grow.

We see the same tragic circumstances in Panama.

We see a worse case in Colombia, where cocaine has virtually taken over the country.

Clearly democracy and a flourishing drug trade cannot coexist.

Clearly democracy is threatened by the exponential growth of the drug cartels and by the escalating cooperation of corrupt regimes. Clearly we cannot tolerate cases like the Miami River where freighters dropping off drug cargoes from foreign ports have turned a river in the heart of a major American city into an international border.

That border—our border at every seaport and airport and crossing in this nation—is being violated everyday. The futures of our young people are at stake. The security of our streets and schools is at stake. American's competitiveness is endangered by increasing availability, increasing addiction, the deaths of promising young athletes and scholars.

This is no longer just a social problem. It is a national security problem. We must first recognize the magnitude of the illegal drug crisis. And then we have to fight with appropriate weapons. If we are in a war to protect our borders then we cannot hestiate to use our military to fight that war.

Mr. Kellner, I hope you can help us to identify the seriousness of drug trafficking in South Florida—and South of Florida. And I hope we can determine what resources it will take to stop this menace before it crosses our borders.

Senator DECONCINI. We will now go to our first panel. Mr. Kellner and Mr. McNamee, we thank you both for being here.

I have a little appreciation of how busy you are and how much work you have. As you know, this is a special Caucus funded by the Senate for the purpose of doing oversight and reviewing the international narcotics trade. We have no axe to grind. We would like to know more about it. You people are on the front line. We are interested in some of the developments that have happened.

Mr. Kellner, we appreciate the great work that you are doing down in your State. I know the work that Mr. McNamee is involved in and his deputies. So we will first hear from you, Mr. Kellner, and you may proceed.

STATEMENTS OF A PANEL CONSISTING OF LEON B. KELLNER, U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA; AND STEPHEN M. McNAMEE, U.S. ATTORNEY FOR THE DISTRICT OF ARIZONA

Mr. KELLNER. Thank you, Mr. Chairman and members of the committee.

I agree with you that the narcotics problem is far and away the most serious crime problem facing this country today. Studies have shown that the violent crime being committed in our major metropolitan areas, what lies at the heart of it is drug abuse and drug trafficking. In the past month, because of indictments returned in Florida—I have to mention at this point my U.S. attorney to the north, the middle district of Florida, Bob Merkle, who also returned an indictment against General Noriega—and through testimony in congressional hearings, it is acknowledged that the narcotics problem is not simply a domestic problem but one of international magnitude.

Those of us who enforce the law in the southern district of Florida daily see the international dimensions of the problem. The southern district of Florida sits astride the major cocaine importation route into the United States. In the last fiscal year law enforcement in south Florida has seized in excess of 30 tons of cocaine. This amount represents approximately 62 percent of the amount seized in the entire United States.

It is unfortunate fact that even with the concerted efforts of Federal law enforcement agencies in cooperation with local and State authorities, the southern district of Florida continues to be the number one entry point for cocaine entering this country.

The seizures made in my district are many times the quantity seized anywhere else in this country. Cocaine seizures in excess of a thousand pounds in my district are not uncommon. For example, in the past year we have seized individual shipments in excess of 8,000 pounds, 4 tons, which is the largest recorded seizure ever. We have had seizures in excess of 6,000 pounds and at least in excess of 3,000 pounds.

Moreover, the largest single cocaine seizure in the history of Chicago, in excess of 5,000 pounds, was the result of a controlled delivery from the docks in Miami.

The drugs are smuggled in every conceivable fashion: by private plane and boat; commercial fishing vessels; containerized cargo; commercial aircraft; and body carriers through Miami International Airport. The methods are limited only by the smuggler's creativity. We have found cocaine disguised as yams, in hollowed-out furniture, behind false walls in containers, mixed in with cut flowers, and false compartments specifically constructed for smuggling purposes.

Approximately 90 percent of the narcotics cases brought in the southern district of Florida involve quantities in excess of that required for the imposition of minimum mandatory sentences. Over the past 4 years we have indicted more drug defendants than any district in the United States.

For the most part, the persons hired to transport the drugs and arrested through our interdiction efforts are not the owners of the

drugs nor are they the ultimate recipients. We recognized that indicting the mules, the drug pilots, the sea captains, and the crew members was not enough. These defendants, unfortunately, can easily be replaced. As a result, we developed a strategy of focusing our investigative efforts on the foreign criminal organization supplying cocaine and the corrupt officials who protect the shipments. In August of 1986, a Miami Federal grand jury identified and indicted the members of what we call the Medellin Cartel, who we believe are responsible for the majority of cocaine entering the United States.

Additionally, during the past 5 years we have indicted and convicted public officials from a number of Caribbean Basin countries for participating in the transportation of cocaine into our country. These cases, which I describe in my submitted testimony, graphically illustrate that the corruption problem is a widespread one.

These indictments show that the problem of narcotics related corruption extends far beyond any one country.

I would be remiss if I did not point out that this country also has suffered from the terrible corrupting influence of narcotics trafficking. In the past few years Federal law enforcement, again in cooperation with State and local authorities in Florida, have indicted and convicted among others the deputy chief of police of the Key West police force for providing protection for narcotics shipments smuggled through Key West; three members of the North Bay Village police force for providing protection to a narcotics shipment; 15 city of Miami police officers for stealing and distributing hundreds of kilograms of cocaine, as well as agents and officers of a number of Federal agencies as well as prosecutors for providing confidential information to traffickers as well as trafficking themselves.

In my testimony today I have described a bleak picture of narcotics corruption in this country and elsewhere. It would be unfair to conclude my testimony without mentioning the hardworking men and women in law enforcement here and elsewhere who daily put their lives on the line enforcing the narcotics laws. All of us are deeply troubled by the damage narcotics trafficking is causing in this country and other countries.

It is truly, as Senator Graham said, a national security as well as a national health problem that should be the number one priority.

I have testified today about the supply side of the problem because that is my job, prosecuting those persons who smuggle drugs into this country. It is clear to me that dealing with the supply problem, either through interdiction or prosecution, is not sufficient. The plain fact is that this country is the largest consumer of narcotics in the world.

I have read numerous articles in the past few weeks, editorials and op-ed columns bemoaning the fact that since 1981 more than $21 billion of Federal funds have been spent on the narcotics problem, which is nowhere near being solved. This amount is a mere pittance compared to the Federal Government's annual trillion-dollar budget. This is especially true considering the damage narcotics is causing domestically and internationally.

We must develop the national resolve in Congress, in the executive branch, and among the people to do whatever is necessary to

cope with this crisis. In my mind, this means domestically developing an effective drug education program that should be mandatory in every school; increasing our drug awareness programs for adults; and increasing our enforcement of the drug laws.

Internationally, we must place the narcotics problem at the top of our agenda with foreign countries, consistent with our domestic priority, by demanding that other governments stop providing safe haven for traffickers and enforce their own laws, as they all have it, against narcotics trafficking. We must be prepared to view as a hostile act the refusal of any country to honor these legitimate requests.

Most importantly, we must allocate sufficient resources to effectuate these goals.

In conclusion, I believe that whatever we do, whatever changes in strategy are made, the problem is not going to go away overnight. We have had a generation to develop the problem. A few years is not going to solve it. Our efforts will take many years before we can claim success. In the meantime, we must persevere and continue to work on both the supply and the demand side.

I do not think we can give up.

Again I want to thank you for inviting me to testify today. I look forward to answering as best I can any questions you may have.

Thank you, Mr. Chairman.

Senator DECONCINI. Thank you, Mr. Kellner.

[Prepared statement follows:]

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STATEMENT

OF

LEON B. KELLNER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA

Mr. Chairman and Members of the Select Committee

I want to thank you for inviting me to testify today concerning the international narcotics problem.

The narcotics problem is, far and away, the most serious crime problem facing this country today. Studies have shown that drug abuse and drug trafficking lay at the heart of much of the violent crime being committed in our major metropolitan areas. In the past month, because of indictments returned in the Southern District of Florida and through testimony at Congressional hearings, it is acknowledged that the narcotics problem is not simply a domestic problem but one of international magnitude. Those of us who enforce the law in the Southern District of Florida daily see the international dimensions of the problem.

The Southern District of Florida sits astride the major cocaine importation route into the United States. In the last fiscal year law enforcement in South Florida seized in excess of 30 tons of cocaine. This amount represents 62% of the amount seized in the United States. It is an unfortunate fact that even with the concerted efforts of federal law enforcement agencies in cooperation with local and state authorities, the Southern District of Florida continues to be the number one entry point for cocaine entering this country.

The seizures made in the Southern District of Florida are many times the quantity seized anywhere else in the country. Cocaine seizures in excess of one thousand pounds in our District are not uncommon. For example, in the past year we have seized

individual shipments of 8000 pounds (the largest recorded seizure), 6000 pounds and two of 3000 pounds. Moreover, the largest single cocaine seizure in the history of Chicago, 5000 pounds, was the result of a controlled delivery from Miami. The drugs are smuggled in every conceivable fashion -- by private plane and boat, commercial fishing vessels, containerized cargo, commercial aircraft and body carriers through Miami International Airport. The methods are limited only by the smuggler's creativity. We have found cocaine disguised as yams, in hollowed out furniture, behind false walls in containers, mixed in with cut flowers and in false compartments specifically constructed for smuggling. Over 90% of the narcotics cases brought in the Southern District of Florida involve quantities in excess of that required for the imposition of minimum mandatory sentences. Over the past four years we have indicted more drug defendants than any district in the United States.

For the most part, the persons hired to transport the drugs and arrested through our interdiction efforts are not the owners of the drugs nor the recipients. We recognized that indicting the mules, drug pilots, sea captains and crewmen was not enough. These defendants can be easily replaced.

As a result, we developed a strategy of focusing our investigative efforts on the foreign criminal organizations supplying cocaine and the corrupt officials who protect the shipments. In August, 1986 a Miami federal grand jury identified and indicted the members of the Medellin Cartel who we believe are responsible for the majority of cocaine entering the United

States. The indictment graphically details how the Cartel operates:

> "The Cartel operated to coordinate and consolidate production, distribution, and importation of cocaine into the United States. Through the Cartel, major cocaine organizations were able to pool resources, including raw materials, clandestine cocaine conversion laboratories, aircraft, vessels, transportation facilities, distribution networks, and cocaine to facilitate narcotics trafficking."

The indictment also describes the methods the Cartel uses to protect its business:

> "To protect its business operations and enforce its mandates, the Cartel corrupted public officials of foreign governments and utilized force and violence, including threats to, physical assaults on, and murders of informants, discordant employees, and opponents of the Cartel."

During the past five years we have indicted and convicted public officials from a number of Caribbean Basin countries for participating in the transportation of cocaine into the United States. These cases, which are listed below, graphically illustrate that the corruption problem is widespread:

(1) In United States v. Luis Arce Gomez, et al., Luis Arce Gomez, a colonel in the Bolivian Army and the Minister of Interior, Justice and Immigration, together with a number of other Bolivian government officials and other defendants were charged with violations of United States narcotics laws. The indictment alleges that Arce organized a protection racket requiring cocaine traffickers to pay monies to permit the distribution and exportation of cocaine to the United States. None of the former Bolivian officials have been apprehended. At one point, Arce was arrested in Argentina but was subsequently released.

(2) In United States v. Jamie Guillot-Lara, et al., four Cuban officials and other defendants were charged with violations of United States narcotics laws. Among the charged officials were the Ambassador to Colombia from the government of Cuba, the Minister-Counselor of the Cuban Embassy in Colombia, the President of the Cuban Institute of Friendship with the People, a Cuban Government agency, and the Vice-Admiral of the Cuban Navy. The indictment charged that quantities of marijuana and methaqualone were transshipped from Colombia through Cuba to the United States with the assistance of the four named Cuban officials. A number of defendants were arrested and convicted but the Cuban officials have not been apprehended.

(3) In United States v. Sammy L. Miller, et al., Sammy L. Miller, Chairman of the National Progressive Committee, a civic and political organization in the Bahamas, John Rolle, a senior official of the Bahamas Immigration Department and a third

individual were charged with violations of United States narcotics laws in connection with a scheme to import 800 pounds of cocaine from the Bahamas to the United States. The indictment charged that Miller and Rolle solicited and received cash payments totalling $100,000 in return for providing a safe, protected haven in the Bahamas to utilize as a drug smuggling base to import narcotics into the United States. The defendants, Miller and Rolle, were convicted after a trial.

(4) In United States v. Norman Saunders, et al., three officials of the Turks and Caicos government were charged along with another individual with violations of the United States narcotics laws in connection with a scheme to utilize the Turks and Caicos Islands as a transshipment and refueling point for cocaine laden aircraft flying from Columbia to the United States in return for payoffs to a variety of officials including themselves. The officials charged in the indictment were the Chief Minister of the Turks and Caicos Islands, the Minister of Commerce and Development and a member of the legislature. These officials were subsequently tried and convicted.

(5) In United States v. Fred Alfred Strachan, among the 17 defendants charged were two Bahamian officials -- an Immigration official and a Customs official. They were charged with accepting payments to assist the importation of cocaine to the United States through the Bahamas. They agreed to falsify immigration and customs documents, not check the identification of people who were part of the cocaine smuggling ring who traveled to the Bahamas, and not search the vessels used by the

cocaine smuggling ring. Ten defendants have been arrested and are pending trial. The remaining seven, including the Bahamian officials, are fugitives.

(6) In United States v. Etienne Boeren-Veen, et al, Etienne Boeren-Veen, identified as a "Commander of the Army" of Suriname, was charged, along with two other individuals with violations of United States narcotics laws. In this case, the defendants, in return for payment of $1 million per shipment fee, offered and promoted the use of Suriname as a protected haven for drug smuggling operations and as a base to land and refuel aircraft to be used in smuggling cocaine into the United States. The defendants were tried and convicted.

(7) In United States v. Manuel Antonio Noriega, et al., Manuel Antonio Noriega was charged along with fifteen other defendants with violations of United States narcotics laws. Noriega was charged with exploiting his official position as head of the intelligence section of the Panamanian National Guard and later as Commander-in-Chief of the Defense Forces of the Republic of Panama to receive payoffs for assisting and protecting international narcotics traffickers. This case is currently pending.

(8) In United States v. Jean Claude Paul, et al., Jean Claude Paul, a Colonel in the Haitian Army, was charged along with two other individuals, with violations of United States narcotics laws, in connection with a scheme to provide a protected airfield to transport cocaine owned by Paul and others from Haiti, through the Bahamas to the United States. This case is currently pending.

These indictments show that the problem of narcotics related corruption extends far beyond any one country. We have indicted corrupt officials from many of the major cocaine transshipment countries in the Western hemisphere.

I would be remiss if I did not also point out that this country has suffered from the corrupting influence of narcotics trafficking. In the past few years, federal law enforcement in the Southern District of Florida has indicted and convicted, among others, (i) the Deputy Chief of Police of the Key West Police Force for providing protection for narcotics shipments smuggled through Key West, (ii) three members of the North Bay Village Police Force for providing protection to a narcotics shipment, (iii) fifteen former City of Miami Police officers for stealing and distributing hundreds of kilograms of cocaine, as well as agents and officers of the DEA, Customs, FBI and Coast Guard for providing confidential information to traffickers as well as trafficking themselves.

Turning to your letter requesting my appearance today, you asked that I "clarify exactly how these [Noriega] indictments came about; [and] when the allegations became evidence".

I am limited in my answers concerning the Noriega indictment because first it is currently pending and second because the Southern District of Florida was responsible for only one of the indictments. Within these constraints and utilizing material already in the public record, I will try to describe how the case against General Noriega was put together. I can say without qualification that the investigation resulting in the

Noriega indictment was initiated and pursued without any consideration whatsoever to factors extraneous to law enforcement.

The Noriega investigation was conducted by agents of the Drug Enforcement Administration and began with a separate investigation having nothing whatsoever to do with Panama. The Drug Enforcement Administration was conducting an undercover investigation, utilizing an agent in an undercover role and a confidential informant. Undercover operations have proven to be a valuable law enforcement tool and many of the indictments detailed in my testimony are the result of successful DEA undercover operations.

During the course of the undercover operation, DEA agents received information about narcotics being smuggled into the United States through Texas to South Florida. DEA successfully placed a transponder on one of the suspected drug planes enabling DEA to seize the plane carrying a 900 kilogram shipment after it landed on a highway under construction on September 23, 1985. During the course of this investigation, it was learned that certain of the suspects had close ties to Panamanian government officials including General Noriega. As a result of the DEA investigative efforts, eight persons were indicted for smuggling this shipment into the United States. Among the eight was the pilot, Anthony Arpruia, a former captain in the Panamanian Defense Forces, and Floyd Carlton-Caceres. Seven of the defendants were arrested, plead guilty and cooperated. Only Floyd Carlton-Caceres was a fugitive. The former Panamanian

officer, Azpruia, told the agents and our prosecutor about allegations concerning the involvement of Panamanian officials in narcotics trafficking. However, the information he provided was hearsay. We learned that it was Floyd Carlton-Caceres who had the first hand knowledge. Shortly after the indictment, Carlton became aware that Federal law enforcement agents were seeking his return to stand trial in the Southern District of Florida and he approached the United States Embassy with a deal. The deal, in essence, was that in return for a dismissal of the outstanding charges, he would provide information about General Noriega, but would not testify in a United States Court. This arrangement was rejected for two reasons - (1) Carlton was not willing to testify and, as a result, the information he would provide could not be used to obtain indictments and (2) dismissal of all charges was unacceptable. Similar proposals are routinely rejected.

However, both the DEA agents working the case and my office recognized that Carlton was essential to any investigation of Noriega that could ultimately lead to criminal charges and so we continued to seek ways to have Carlton returned to the Southern District of Florida to stand trial on the pending charges. Ultimately, with the assistance of other defendants in the original case who had agreed to cooperate, Carlton was lured to Costa Rica where he was arrested and, after extensive court proceedings, he was extradited in December 1986, to the Southern District of Florida to stand trial. As the trial date approached in June 1987, a plea bargain was struck which provided that

Carlton was to cooperate with federal law enforcement agencies and testify at before grand jury and at trial. In return, he was allowed to plead to one conspiracy count whereby he faces a maximum exposure of twenty years imprisonment. By proceeding in this manner we obtained the results we wanted - the conviction and incarceration of a cocaine trafficker and his useful cooperation which resulted in the indictment charging Noriega. Thereafter, from June 1987 through February 1988, when the indictment was returned, the investigation proceeded with the collection of evidence, obtaining additional witnesses and insuring that there was a prosecutable case to present to the grand jury.

With respect to the second question - "when and why it was decided to reverse the strategy of closing an ear to 'rumors' and of cooperating with Noriega for the sale of our 'national interests'", I can only answer from my limited perspective of first being an Assistant United States Attorney and then United States Attorney for the Southern District of Florida. I am not privy to the global policy discussions and strategic decisions made in Washington.

From my perspective there never was a strategy of closing an ear to the "rumors". On the contrary, as the cases I described earlier show, whenever this office developed credible information involving a foreign official it has been actively pursued irrespective of the person's position on the political or ideological spectrum. We have indicted officials from the Bahamas, Bolivia and a colony of Great Britain, our allies, and

we have indicted officials from Cuba, with whom we have no diplomatic relations. Unfortunately, drug trafficking and the corruption spawned by narcotics proceeds cuts across political ideology and is reduced to the common denominator of the extraordinary dollars that can be made. The Noriega indictment began, as many investigations do, from fragmented pieces of information that were ultimately developed into a prosecutable case. This happened through a combination of hard work by the DEA agents, patience and, of course, a little bit of luck. If I had to point to a single key factor that ultimately led to the indictment, it would be the cooperation of the Costa Rican authorities. Not only did they aggressively litigate the extradition proceedings against Carlton, but they fully cooperated and coordinated a continuing investigation that resulted in the indictment of two Costa Rican officials who are being prosecuted by the Costa Rican authorities.

There is, however, a world of difference between rumor and the kind of hard evidence necessary to present to a grand jury for the return of an indictment. Moreover, the evidence must be admissible at trial. Because of my obligations as United States Attorney and my assistants' obligations, we cannot indict on rumor and suspicion. We can only act on the legally sufficient evidence developed during the course of an investigation. I may believe that a person is guilty of trafficking in narcotics but my belief is inconsequential. More importantly, for me to express my beliefs would be reckless and irresponsible. The only

way I comment on accusations of criminal conduct is through indictments and the evidence presented in a Court.

Hence, at least insofar as the United States Attorney's Office for the Southern District of Florida is concerned, the only strategy we had and continue to have is to develop legally sufficient evidence that would support an indictment and be admissible at trial.

In my testimony today, I have described a bleak picture of narcotics corruption in this country and elsewhere. It would be unfair to conclude my testimony without mentioning the hard working men and women in law enforcement who daily put their lives on the line enforcing the narcotics laws. All of us are deeply troubled by the damage narcotics trafficking is causing in this country and the other countries. It is truly a national security as well as a national health problem which should be the number one priority. I have testified today about the supply side of the problem because that is my job - prosecuting those persons who smuggle drugs into the United States. It is clear to me that dealing with the supply problem, either through interdiction or prosecution, is not sufficient. The plain fact is that this country is the largest consumer of narcotics in the world. I have read numerous articles, editorials and op-ed columns bemoaning the fact that since 1981 more than $21 billion of federal funds has been spent on the narcotics problem which is nowhere near being solved. This amount is a mere pittance compared to the federal government's annual trillion dollar

budget. This is especially true considering the damage narcotics is causing domestically and internationally.

We must develop the national resolve to do whatever is necessary to cope with this crisis.

This means, domestically, developing an effective drug education program that should be mandatory in every school, increasing our drug awareness programs for adults, and increasing our enforcement of the drug laws. Internationally, we must place the narcotics problem at the top of our agenda with foreign countries consistent with our domestic priority by demanding that other governments stop providing safe haven for traffickers and enforce their own laws against narcotics trafficking. We must be prepared to view as a hostile act the refusal of any country to honor these legitimate requests. Most importantly, we must allocate sufficient resources to effectuate these goals.

In conclusion, I believe that whatever we do, whatever changes in strategy are made, the problem is not going to go away overnight. Our efforts will take many years before we can claim success. In the meantime, we must persevere and continue to work on both the supply and demand sides. We cannot give up.

Again, thank you for inviting me to testify today and I would be happy to answer any questions you may have.

Senator DECONCINI. Mr. McNamee.

STATEMENT OF STEPHEN M. McNAMEE

Mr. MCNAMEE. Thank you, Mr. Chairman and members of the committee, for allowing me to be a substitute guest here today.

First I would like to express my appreciation to the President, the Attorney General, and Members of Congress for their recognition of the drug trafficking problem along the Southwestern border and for the allocation of resources to combat drug smuggling under the umbrella of Operation Alliance.

As you probably know, Operation Alliance has been in operation for about 1 year. Contraband is being seized in record amounts. Assets are being seized and forfeited in record numbers. The number of cases and defendants being prosecuted has reached new heights.

These statistics are a result of the Federal law enforcement officers doing an outstanding job with the resources available.

The number of cases filed in our Tucson office is up 68.4 percent. The number of defendants being prosecuted is up over 63.8 percent of these people at the same time last year.

Over 70 percent of our docket in our Tucson office are narcotics cases. In the Phoenix division our criminal docket is up about 25 percent.

These increases are representative of all U.S. attorneys along the Southwestern border. The figures are even more astounding in my district when you look at the approximately 49 percent of the standard Operation Alliance cases that are referred out to State and local prosecutors. Those are in principally Cochise and Yuma Counties. This is what we call shared responsibility for the prosecution of these cases. There is a reason why that exists in Arizona. One, because the law enforcement coordinating committee and the programs that we have and the attitude of all law enforcement officers in Arizona toward this common problem.

The second is the sharing of forfeited assets under Federal statutes. That has gone a long way to getting the local prosecutors involved.

We anticipate that as Operation Alliance goes towards it's final buildup, we will begin to focus on a more intensive interdiction effort such as inspection of containers and commercial trucks, the more effective use of computers for intensified targeting of smugglers, and expanded cooperative investigations.

The cases being prosecuted by U.S. attorneys along the Southwestern border range from the large international conspiracies headed by well-known members and leaders of international narcotics cartels to persons apprehended with personal use amounts at the ports of entry. Many of these well-known international figures, while the subject of indictment, still remain fugitives. But the return of these indictments establishes a prima facie public record of their involvement in drug trafficking.

For example, Raphael Carlo Quintero has been indicted in the central district of California for violations of Federal narcotics statutes as well as conspiracy to murder Special Agent Enrique Camarena of the Drug Enforcement Administration, but he is still a fugi-

tive. His brother, Luis Carlo Quintero, was tried and convicted of conspiracy to distribute over 5 kilograms of cocaine and the distribution of approximately 7 ounces of cocaine in Tucson. On Monday of this week a Federal judge in Tucson, AZ, sentenced Luis Carlo Quintero to life imprisonment and fined him $1.5 million on the conspiracy to distribute cocaine, and 20 years imprisonment and a $500,000 fine on the distribution of the other amount of cocaine.

Luis Carlo Quintero is awaiting trial also in the central district of California on the additional charges of distribution of over 90 kilograms of cocaine to undercover Drug Enforcement agents and Border Patrol agents, and the case had its origin in Tucson, AZ.

Other international figures who have been indicted by the Southwestern border people are Pablo Escobar, Ernesto Fonseca, and Felix Gallardo. These are matters of public indictments.

Based on my 17 years of experience as an assistant in the U.S. attorneys office and now the U.S. attorney, it is my opinion that all the drugs intercepted along the Southwestern border are entering the United States from a foreign nation, principally the Republic of Mexico.

I will get to this in a minute, but narcotics traffickers, in a sense, with their expanded resources, simply do not suffer from budgetary cycles, constraints, jammed court dockets, or overcrowded prisons. They do not have those problems like we do.

Traffickers are knowledgeable about the application of our criminal statutes. As I was preparing my testimony, I read a newspaper account of the seizure of a ton of marijuana worth more than $1 million from drug smugglers using an old-fashioned mule train, bringing it into the United States. This incident is illustrative of several points that I have stressed in my prepared written testimony which you have.

One, the smugglers are creative in their methods of bringing drugs into the United States. Mr. Kellner has already pointed out the different ways they use. We are faced with the same thing along the Southwestern border.

Two, the drugs were brought over land away from the port of entry in an effort to avoid detection, thus stringing out law enforcement teams.

Three, we see an increased use of juveniles as transporters, more commonly referred to as mules.

Four, there is the use of allegedly economically disadvantaged persons to serve as mules.

Whether the amount of narcotics seized is a large one or a small one, the prosecution of these cases is time consuming and labor intensive. There are numerous court proceedings, trial appearances, detention hearings, grand jury hearings, motions and other hearings, trials, hearings for change of plea, and if there is a plea of guilty or a conviction, the result is another sentencing hearing.

Simply stated, these legal proceedings exhaust the prosecutive resources very quickly.

Drug smugglers are very much aware that Federal and State systems treat juvenile offenders more leniently than adults, which accounts for the increased use of juveniles. Adult mules are often portrayed to sentencing judges as economically disadvantaged individuals who are merely trying to find ways to put food on their

table, when intelligence shows that they are not only necessary but well-paid members of the organization. But unless organization insider information is available against these specific individuals, prosecutors just simply do not have sufficient direct information to refute this statement, thus the sentencing judge often displays a reluctance to impose a harsh sentence or a mandatory sentence when confronted with these problems. It is simply a real fact in the problem.

Finally, I would like to comment on the demand side on the drug problem.

If Americans did not have a voracious appetite for illegal drugs, there would not be a market. I have to agree with Mrs. Reagan when she says the casual user of narcotics is an aider and abetter in murder. Special Agent Enrique Camarena was killed by drug traffickers. Other State, Federal, and local officers have been killed by drug dealers. Why? The answer is simple. The cumulative volume of the recreational user fuels the drug economy into a high-dollar contest for power and influence to carry on an illicit business.

In education ask any student about the rampant drug abuse in our colleges, high schools, junior high schools and grade schools. Yet, many educators decline to recognize the problem or feel that the situation is just out of their control. More importantly, students are concerned about the drug use and the security of their learning environment. Students know that it is virtually impossible for law enforcement officers to run an undercover operation in a junior high school or high school. Narcotics officers are unwelcome on college campuses.

Again, I attached some articles to my testimony which I think bears that out, from the Tucson paper, about a high school drug dealer that was killed because he owed $2 million. The principal said: I cannot believe he was really doing that.

In the workplace ask any benefits manager of any company, and he will tell you what drug abuse is costing in terms of real dollars to American business. As a matter of fact, that is one of the things that is making a big impression on college students these days, when they find out that of the major Fortune 500 companies, over half of them are drug testing for preemployment screening.

I have a series of possible recommendations that I would like to just go over and highlight a couple of them.

One is for 100 percent funding for U.S. attorneys. When we have to maintain vacancies, cases go unprosecuted.

Two, that all universities and school districts receiving Federal funding should be required to form a board of students and educators to develop a drug impact statement and propose programs for eliminating drugs on campuses as a condition of Federal funding. Thus, administrators are forced to focus on the problems and commit to a solution.

Next is more cooperative ventures with foreign nations to stop the problem where it starts, that is, in the foreign country.

Finally, the very fiber and future of American independence is at stake. If it is truly a war against illegal drug use, then we must be willing to stand up and be counted among those who believe that drug use is unpatriotic.

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Thank you.

Senator DECONCINI. Mr. McNamee, thank you very much.

[Prepared statement follows:]

PREPARED STATEMENT OF STEPHEN M. MCNAMEE, U.S. ATTORNEY, DISTRICT OF ARIZONA

I am pleased to have this opportunity to testify before the Senate Drug Caucus about drug smuggling activities along the Arizona border and more generally along the southwest border.

First, I would like to express my appreciation to the President, the Attorney General and members of Congress for their overwhelming recognition of the drug trafficking problems along the southwest border and for the allocation of resources to combat drug smuggling under the umbrella of Operation Alliance.

Operation Alliance has been operational for about one year and is moving toward its full operational authorization. The deviation of resources to the southwest border as already paid handsome dividends: contraband is being seized in record amounts; assets are being seized and forfeited in record amounts; and, the number of cases and defendants being prosecuted has reached new heights.

For instance, our Tucson office prosecutes all border cases with the exception of those occurring within Yuma County (Yuma County cases are referred to our Phoenix office). The number of cases filed in our Tucson office are up 68.4 percent and the number of defendants being prosecuted is up 63.8 percent over last year at this time. Over 70 percent of our Tucson docket is narcotic cases. In Phoenix, our criminal docket is up 25.3 percent in the number of cases and 20.8 percent in the number of defendants being prosecuted over last year. These increases are representative of all United States Attorneys' Offices along the southwestern border. This figure is even more astounding when you consider that 49 percent of routine Operation Alliance cases are prosecuted by state and local prosecutors, principally in Cochise and Yuma Counties. We are able to provide this shared responsibility for prosecution because of the spirit of cooperation that exists among law enforcement and prosecutors in Arizona, which is fostered and nurtured through the Law Enforcement Coordinating Committee and sharing of forfeited assets. We are using our best efforts to ensure that this cooperation continues.

Operation Alliance, through the accumulation of broader intelligence data and the final build up of resources, will begin to focus on more intensive interdiction efforts, such as inspection of containers and commercial trucks, more effective use of computers for the intensive targeting of smugglers and expanded cooperative operations.

The cases being produced by United States Attorneys along the southwestern border range from large international conspiracies headed by well known members and leaders of international narcotic cartels, to persons apprehended with personal use amounts at the ports of entry. Many of the well known international figures, while the subjects of indictments, remain fugitives. But the return of these indictments establishes a *prima facie* public record of their involvement in the drug trafficking.

Based on 17 years in the United States Attorney's Office, District of Arizona, it is my experience that all of the drugs intercepted along the southwest border are entering the United States from a foreign nation principally from the Republic of Mexico, one of our nearest and closest neighbors. Many of the drugs are produced in other countries and shipped to Mexico for transshipment into the United States. Because of the drug production capabilities in distance countries, the low cost of producing the drugs and the high dollar return, and the multitudinal delivery system it is understandable why the importation of illegal drugs into the United States far outstrips our interdiction capabilities even when those interdiction resources are put to the maximum use. Narcotic traffickers do not suffer from a lack of resources, budgetary cycles and constraints, jammed court dockets or overcrowded prison facilities.

The traffickers are also knowledgeable about the application of our criminal statutes. As I was preparing my testimony I read a newspaper account that appeared in Friday's, March 11, 1988, edition of the Arizona Republic, a copy of which is attached to my testimony. This article is illustrative of several of the points I have stressed so far. One, the smugglers are creative in their method of bringing drugs into the United States. In addition to the mule train, we see an endless stream of methods utilizing aircraft, vehicles, bush packers, commercial vehicles and pedestrians, each has a novel trust. Two, the drugs were brought overland away from the port of entry in an effort to avoid detection, thus stringing out the law enforcement

teams. Three, the use of juveniles as transporters, more commonly referred to as "mules." Four, the use of "economically disadvantaged" persons to serve as mules.

When faced with a large volume of cases on an hour by hour basis, 24 hours a day, it is easy to exhaust your resources while other loads are being run into the United States over the broad expanses of the southwest border. Whether the amount of narcotics seized is a large quantity or a small one, prosecuting these cases are time consuming and labor intensive. Prisoners must be transported to court sights. There are numerous court proceedings: initial appearances, detention hearings, grand jury hearings motions and other evidentiary hearings, trials or hearings for change of pleas, and, if a plea or conviction results, a sentencing hearing. Almost all legal proceedings involve the use of an interpreter. Thus its easy to see why prosecutorial resources are quickly used up. Drug smugglers are well aware that the federal system is inadequate to deal with juvenile offenders, which accounts for the increased use of juveniles. Adult "mules" are often portrayed to sentencing judges as "economically disadvantaged" who are merely trying to find a way to put food on the table for their families. Sentencing judges often display a reluctance to impose harsh or mandatory sentences when confronted with this argument.

I would urge Congress to be as generous as possible in allocating resources for interdiction efforts. Operation Alliance is a beginning and our commitment to combatting traffickers must be longterm, both in terms of perception and reality. In order to help the United States Attorneys in their relentless pursuit of narcotic traffickers at maximum efficiency, United States Attorneys must be funded at 100 percent of their requested budget rather than 90–95 percent. Vacant attorney positions mean cases cannot be prosecuted and investigations cannot be pursued or must be deferred. Because of current funding cuts, I shall have to keep at least four attorney positions vacant until October 1, 1988.

In closing I believe I should comment on the demand side because, if Americans did not have voracious appetites for illegal drugs there would be no market. I agree with Mrs. Reagan when she says the casual user of narcotics is an aider and abetter in murder. Special Agent Enrique Camarena of the Drug Enforcement Administration was killed by drug traffickers. Other federal, state and local law enforcement officers have been killed by drug dealers. Two Attorneys General in Colombia have been killed by drug dealers. Why? The answer is simple, the cumulative volume of the recreational user fuels the drug economy into a high dollar contest for power and influence to carry on and elicit business. In the work place, ask any benefits manager for any company and they will tell you that one reason America is losing its competitive edge is through lost production and creativity due to drug use. It is costing American businesses millions.

In education, ask any student about the rampant drug use atmosphere at our colleges, high schools, junior high schools and grade schools, yet many educators will tell you, "we don't have a problem." More importantly students are concerned about the safety at schools because of drug use. Students know that it is virtually impossible for law enforcement officers to run an undercover operation in a junior high or high school setting and narcotics officers are unwelcome on college campuses. See the attached newspaper articles from the Arizona Daily Star dealing with school age drug dealers.

I would offer the following suggestions in dealing with the anti-drug crusade:

1. increase of the funding for nationwide law enforcement interdiction efforts;
2. 100% funding for United States Attorneys;
3. increases the jail facilities;
4. all universities and school districts receiving federal funding should be required to form a small board of students and administrators to develop a drug impact statement and proposed programs for eliminating drug use on campuses as a condition of federal funding, thus the administrators are forced to focus on the problem and commit to a solution;
5. that the film and print media continue to expand their anti-drug campaign, they have the ability to reach more people consistently;
6. mandatory drug testing for transportation employees;
7. develop a national awareness that drug use is unacceptable and unpatriotic.

If this is truly a war against illegal drug use and the very fiber of American independence is at stake then we must be willing to stand up and be counted among those who believe that drug use is unpatriotic.

[From the Arizona Republic, Mar. 11, 1988]

MULE TRAIN OF POT SEIZED AT BORDER; THREE ARRESTED

(The Associated Press)

TUCSON.—Federal agents seized a "a mule train load" of marijuana shortly after it crossed the border in the United States from Mexico, authorities said Thursday.

Customs Service agents arrested three smugglers and seized more than a ton of marijuana near Arivaca shortly after it was brought into the country by mule train Wednesday night, said Thomas N. McDermott, chief of the Customs office in Tucson.

There were 30 pack animals and the horsemen who were with them returned to Mexico, but officers arrested Jesus Alberto Ramirez Robles, 26, and grabbed his van, which was loaded with 80 bales of marijuana weighing 2,340 pounds, McDermott said.

He said the marijuana has a street value of $1,175,000.

The arrests were made by about a dozen Customs agents, state Department of Public Safety officers and Santa Cruz County sheriff's deputies, McDermott said.

He said a four-hour surveilliance was capped by a three-mile chase that ended with the arrests of an unidentified 17-year-old boy and Luis Alberto Renteria Alvarez, 20, at about 11:30 p.m Wednesday. The arrests were made about seven miles east of Arivaca.

Robles, Alvarez and the 17-year-old were taken before U.S. Magistrate Nancy Fiora on Thursday. They were held for investigation of possession of marijuana with intent to distribute.

Officers also seized a 9mm pistol from the van and $200 in cash from the 17-year-old, McDermott said.

No court information on the juvenile was released, but on a request from Assistant U.S. Attorney Bert Vargas, Robles and Alvarez were ordered held without bail until a detention hearing is held Monday at 9:30 a.m.

McDermott said officers were investigating the source of the marijuana and ownership of the vehicle used by the smugglers.

[From the Arizona Daily Star]

VEGA

* * * * * * *

One student who wanted to get out of a drug operation was threatened that her friends or family would be hurt, Danks said.

"It takes an incident like this to get people thinking and to see what's really going on," Danks said. "Who knows what this drug world is doing to the city. Even as parents you don't understand the threat."

She said the school had begun to heal after the news of Vega's death was reported. But she said the hurt students feelings over the incident has resurfaced with the court hearings.

School Principal Richard Gastellum said he does not believe that high school students are involved in big drug deals.

"I find it real hard to fathom that there was a $2 million rip-off," Gastellum said.

"He continued to stress positive attitudes among students at the southside school."

"I want them to feel good about themselves so that they don't have to resort to drugs," he said.

He will meet with student leaders next week to see what students and staff can do together "to help us through a healing process."

"We have to publicize we are fighting against drugs," said student body President Luis Lopez.

Lopez was a friend of Vega's. He said Vega's suspected involvement in drugs was not a surprise.

"The surprise is that he's gone. Some students are depressed and angry that friends could kill each other," he said.

Mary Soto, who was one of 35 students honored yesteday for improving her school work, said many students continue to hurt over Vega's death.

"It hurts us all because he was our friend. It hurts to know that he died (strangled and beaten) like that.

"But it also hurts that Pueblo students might get a worse reputation because of it. We're not all involved in drugs," she said.

While students continued to grieve over the teen-ager's death, Mrs. Vega expressed pain.

"God gave him life and he's the only one who can take it away. They had no right to kill him. But I'm nobody to judge. * * * I've forgiven them because the Lord forgives us, too" she said.

Future news accounts about her son are bound to hurt, she said.

"But we have to keep on going," she said.

She said the day her son was killed was her birthday, and the anniversary of her mothers death 30 years ago.

The day the boy's body was found in the desert near Continental was her 36th wedding anniversay.

"How could I celebrate that day?" she asked.

Early that morning before the body was discovered by a patrolling sheriff's deputy, Mrs. Vega and her husband, Manuel, went to Moreno's house in search of their son.

Moreno took them to their son's southside apartment—an apartment the Vegas did not know about. Their son was not there and the Vegas returned home. Later, they were comforted by the Morena family.

"If I knew he was in drugs I would have done something," Mrs. Vega said as she wiped her eyes.

She said it is hard for the family to understand how Steven could have been involved in the sale of drugs.

She said they never saw any money and that they paid for all his living expenses. Her husband is a retired miner.

"I'm trying to help my husband—to give him the support he needs. I laugh like a clown—faking it at times to try to make him laugh. And I pray to the Lord to give us the strength we need now," Mrs. Vega said.

Senator DECONCINI. We may have a vote shortly and have to take a quick break, but we will go ahead and start.

First let me ask you this. Mr. McNamee, you mention a number of the indictments that you have had in Arizona. How many of those were Mexican citizens, any of them?

Mr. MCNAMEE. Virtually all of our cases that we get where there is a mule involved involve Mexican nationals.

Senator DECONCINI. Have you indicted any notable Mexican Government officials, business people, or local law enforcement along the border?

Mr. MCNAMEE. From time to time, we have. But given the way that drugs are brought into the United States by the mules, the high level people are often insulated.

Senator DECONCINI. Even from indictment.

Mr. MCNAMEE. Yes, even from indictment. Because you cannot develop the information to get back and work up the scale as you can with other insider traffickers. When we develop the information, indictments are returned.

Senator DECONCINI. What kind of success, if any, have you had with your counterparts in Mexico, such as the attorney general in Sonora or the federal attorney general on narcotic related investigations?

Mr. MCNAMEE. We have had some limited success. From time to time we have done reverse operations. We seized 26,000 pounds of marijuana in Sonora. We have had some reverse operations down there. But it is a day by day, hour by hour operation. The problem is consistency, Senator.

Senator DECONCINI. I do not want to put you in an embarrassing situation, but it is important for us to get opinions from people who

are on the front line, so to speak. If you care to make it only your personal opinion, I will understand for the record.

Were you at all disturbed when President Reagan at the urging of Attorney General Meese certified Mexico as being fully cooperative with the United States in the fight against illegal drugs?

Mr. MCNAMEE. Senator, I am the last person in the world that ought to be answering that question, because I am not privy to all the negotiations that are going on. I think everyone is well aware, however, that from my perspective as a U.S. attorney on a Southwestern border State that, as I have testified, the narcotics entering the United States along the Southwestern border are either generated or transshipped through the Republic of Mexico.

Senator DECONCINI. Let me ask you this then without pressing you too much on it. Do you think Mexico could do more to assist us in this effort?

Mr. MCNAMEE. I believe that more can be done. But as Mr. Kellner pointed out and I would like to point out, we also have more to be done within the borders of this country, also.

Senator DECONCINI. No question about it. Let me just say, I am one that is critical of our own country and I think raise our hand in almost surrender of what we have not done. I join you in praising Mrs. Reagan and the President for raising the awareness. And finally the President's budget this year asks for $250 million for education. So there is a turnaround in our country. We have got a lot to do.

Our focus here is whether or not Mexico is fully cooperating. We have certain questions. That is why I pose those to you.

Mr. Kellner, I first want to commend you for your tremendous fight, as you have heard here, your indictment of General Noriega in Panama and Colonel Paul in Haiti have brought to the public eye here the international problem that this country faces and these nations have. A reporter asked me just yesterday that way back in 1977, when there was great debate about Panama and the canal treaties there, there was evidence then of Mr. Noriega's being involved in narcotics, tremendous corruption within the Panamanian Government. And through intelligence briefing, myself, I have known that he has been a suspect of high grade by your office and the Justice Department for more than 1½ years but could not disclose that myself because it was given in a classified briefing.

I am curious about your investigation of Noriega. When did you start that investigation?

Mr. KELLNER. Senator, it is always difficult to say when an investigation starts, because no investigation is discrete. The investigation that led to the indictment of General Noriega really began with nothing whatsoever to do with General Noriega or Panama. It dealt with a run-of-the-mill, for my southern district of Florida, case involving a flight, an undercover operation with DEA doing the work, involving narcotics that was coming in actually from Mexico, through Texas, to south Florida. Through an undercover operation the DEA could put a transponder on one of the drug planes, which ran out of fuel, I understand, and landed on an incomplete highway, I-75, which I am sure Senator Graham is familiar with.

Based upon that seizure, which was approximately 400 kilos of cocaine, an investigation was conducted. Eight individuals were identified as participating in that load, among others. Indictments were returned naming the eight individuals including a former Panamanian captain who was the drug pilot.

We found seven of the individuals. We arrested them. One remained a fugitive. Of the seven they all plead guilty. All agreed to cooperate. They told us certain information but it was hearsay. The eighth defendant was the one who could provide direct knowledge of high-level cooperation with drug traffickers in Panama. We attempted to get him back.

We did so by luring the individual to Costa Rica and arresting him, or having the Costa Ricans arrest him. We sought his extradition. The Costa Rican authorities aggressively pursued the extradition. He returned to this country. As the trial date approached in June 1987, he plea bargained and agreed to cooperate.

That was just one witness.

Senator DECONCINI. Is that a good reference point from our understanding, when Noriega became a suspect——

Mr. KELLNER. No. June 1987?

Senator DECONCINI. Yes.

Mr. KELLNER. No. We had beliefs earlier than that, but we cannot operate on that basis.

Senator DECONCINI. Yes, that is the first time you really had some evidence.

Mr. KELLNER. That is right.

Senator DECONCINI. Before that, he was—through certain rumors and allegations, is that safe to say?

Mr. KELLNER. Yes, it is very—you have to understand, Senator, it is very frustrating. I hear the rumors. I hear suspicions. I hear allegations. But as a U.S. attorney, we have to have hard admissible facts.

Senator DECONCINI. Sure.

When did you make the Justice Department aware that Noriega was involved in this?

Mr. KELLNER. We briefed them on our investigation at least once, after June of 1987, and then there came a point in time in 1988——

Senator DECONCINI. Excuse me just a minute. I have been advised by my staff that there is a 30-minute rollcall vote, so anybody who wants to go vote and then come back.

Excuse me. Go ahead.

Mr. KELLNER. There came a point in 1988 where the prosecutors in my office and the DEA agents who were working on the case and myself, we had a meeting. We decided we had sufficient evidence to seek an indictment from the grand jury. We informed Washington. There was a meeting in Washington. The evidence was reviewed, and we went forward.

Senator DECONCINI. And that was the first time, as far as the Washington Justice Department knew that Noriega was——

Mr. KELLNER. No. They knew sometime after June 1987. We did brief them. I had one of my assistants brief them on the status of the investigation.

Senator DECONCINI. Were you at any time approached by the State Department or the Justice Department regarding this, as to the sensitiveness or efforts to go slowly or be careful or back off?

Mr. KELLNER. No, Senator. No one ever asked me to back off this case.

Senator DECONCINI. Did the State Department talk to you about the case at all?

Mr. KELLNER. No, not during the process of the case. Certainly at the time that we had our final meeting it was discussed with them.

Senator DECONCINI. Did anyone in the White House ever contact you regarding the cases?

Mr. KELLNER. No.

Senator DECONCINI. From the lengthy investigation you conducted into Panama, do you believe that if Noriega left, the situation would get any better, or is the corruption and the drug involvement so big and massive there that he would only be replaced by someone else, in your judgment?

Mr. KELLNER. Senator, that is a very, very difficult question to answer.

Senator DECONCINI. I know it is.

Mr. KELLNER. We viewed this case in my office as someone who had violated the laws of this country and it was appropriate that evidence be presented and ultimately an indictment returned. Obviously, I hope that what I am doing and what my assistants and the agents in the southern district of Florida are doing are not in vain. Obviously, we believe that whenever a trafficker or someone who cooperates with a tra[illegible]er is incarcerated, that it has some impact on the overall narcotics trade. Otherwise, I guess I would have more gray hairs than I really do now.

Senator DECONCINI. Let me put it this way. Do you have an opinion, and can you express it to us, if you think the problem goes far beyond Noriega in Panama?

Mr. KELLNER. Senator, it is very difficult for me to delve into rumors and suspicion. I can only speak through indictments and through the evidence that is presented in a court of law. Obviously in the Noriega indictment we did indict another individual who is, we believe to be a member of the Panamanian defense forces. Obviously, as the indictment alleges, General Noriega as head of the Panamanian defense forces, had at his disposal the entire panoply of resources that is provided by the Panamanian defense forces. And in that context obviously he was in a central position to control what was going on with respect to narcotics trafficking. The indictment alleges that because of his position he could provide safe haven to the cartel. It was his unique position that gave him this opportunity.

Senator DECONCINI. When you dealt with DEA on this subject matter, did you discuss that fact that the DEA had a working relationship with Noriega or at least some of his officers on cooperative efforts with the DEA?

Mr. KELLNER. The agents that were assigned to this investigation—and let me make it crystal clear, whenever I asked for more agents to do this investigation, they were always forthcoming—the agents who worked on this case were aggressive. They were excellent. They were professional. It was through them that this case

was made. Very often we have to deal with people who maybe we do not want to. But in this kind of context, it is very difficult not to.

Even last week the Panamanian defense forces, I am told, provided us with another defendant who we had indicted. I guess that is the nature of foreign policy——

Senator DECONCINI. Did you find it at all frustrating to be using one arm of the DEA that was so aggressive and so professional in helping you make this case, and then see that the DEA was writing letters of commendation to the man that you were about to indict? Did you discuss that with them at all?

Mr. KELLNER. Not really. They gave me the support. They——

Senator DECONCINI. They gave you the support you needed to make the case?

Mr. KELLNER. That is right. And the at-a-boy letters, you know, I view it very often when we do these types of cases, especially when we use confidential informants. We have confidential informants who cooperate with us. And we find out at the same time that they are cooperating with us they are double-dealing and bringing in loads on their own. Now, we may have gone to court and said at the time of sentencing and said, what a great help this particular individual was in terms of a variety of cases he made. But at the same time, we were unaware that he was dealing on his own.

It happens. It is unfortunate. And you try to insure that punishment is meted out for that.

Senator DECONCINI. Indeed it is unfortunate. And it looks like hell, if you do not mind me saying so, when our chief drug enforcement agency is writing letters of accommodation and at the same time doing what they are supposed to do and they do so well, as you pointed out. That is just my opinion. You do not have to comment on it, if you do not care to.

Let me go to one other question, and then I will yield.

Your office has indicted several Cuban officials on drug charges, I am told. Recently you played a tape recorder of a defendant saying that the money went into Fidel Castro's drawer—I think is the quote. Do you believe that the top officials of the Cuban Government including Fidel Castro are involved in drug trafficking in the same manner as Noriega or anything similar?

Mr. KELLNER. Again, you are correct, Senator. We have indicted—actually, my predecessor, Stanley Marcus indicted a vice admiral of the Cuban navy, the former Cuban Ambassador to Colombia, a minister, counsellor in the Cuban Embassy in Colombia, as well as one other official whose title escapes me.

Most recently we indicted a case where we allege in the indictment that drugs were being transshipped from Colombia through Cuba and Haiti into the United States. The indictment also alleges that at least one of the loads came through a Cuban air force base.

Again, we played tapes, undercover tapes where the defendants—and remember, these are defendants talking, saying that payments were made to certain officials.

We look at this evidence. We make judgments on investigations, and we indict people on the evidence. It is very difficult for me because of my position to go broader than that and accuse people outside of an indictment of being involved in trafficking.

Certainly we believe that the individuals who we indicted who are members of the Cuban Government were involved in drug trafficking. Otherwise, we would not have sought an indictment——

Senator DECONCINI. Does it carry more weight, Mr. Kellner, an undercover tape recording, prior to the indictment where one of the defendants makes such a statement than it does later when they have been indicted and they are attempting to bargain with the prosecutors?

Mr. KELLNER. Sometimes, because of the fact that they are unaware, they are not bargaining, and they are making statements without any knowledge of law enforcement. But I do have to say that one of the cases involving the chief minister of the Turks and Caicos Islands, one of the defendants was on tape discussing in very broad terms about his involvement in drug trafficking including dealing with people in Colombia and hundreds of kilos of cocaine. And the lawyer at the bond hearing stood up and said: Your Honor, this man was just bragging. And the magistrate who had to determine the bond told the story that he had in his house a fish mounted with his mouth open, and he, the magistrate, explained that the reason the fish was on the wall was because he had a big mouth, and he was going to go to jail because he had a big mouth.

Senator DECONCINI. Maybe that is a lesson for all of us. Yes?

Senator WILSON. Mr. Chairman, before you and I go over to vote, which we had better do shortly, I did not want to interrupt your——

Senator DECONCINI. Do you want to follow up? Go ahead please.

Senator WILSON. I did want to make a point.

Senator DECONCINI. I am ready to yield anyway.

Senator WILSON. When you were talking to Mr. McNamee, that is: let us stipulate here and now that we have not made an adequate effort to curb demand. And there is not a street cop who has been involved in fighting narcotics, let alone a U.S. attorney, that will not tell the American people that we have not made an adequate effort to curb demand. And we have got to do that.

Were we successful, all of the costly dangerous efforts which you gentlemen make which all of these undercover agents make each day in the field would be unnecessary. The fact of the matter is that you cannot divorce the success of that effort from the tremendous flow of narcotics, the tremendous availability that comes in.

Yes, we have got to do more by way of curbing demand, but there is a connection between the success of that effort and the tremendous problem that is created by the availability particularly of cheap drugs like crack.

I mention that simply because I think we really ought to set the stage in a way that permits us to focus on the problem of interdicting supply, which is the reason these gentlemen are before us today. I for one am offended when President de la Madrid or other Mexican officials make the assertion that they did not create the American appetite for drugs. They have not created it, but by God they have fed it at a handsome profit, not the president himself but by permitting the kind of pervasive corruption that occurs——

Senator DECONCINI. Senator, we have been advised they are going to be closing the door.

Mr. MCNAMEE. I do not disagree with a lot of what you said, Senator.

Senator DECONCINI. We will be back, gentlemen. Just hang tight for about 5 minutes.

[Recess taken.]

Senator DECONCINI. The Committee will reconvene.

Thank you, Mr. Kellner and Mr. McNamee, for your indulgence.

I yield to the Senator from New York for any questions he may have.

Senator D'AMATO. Mr. Kellner, today there are reports that there is extensive gunfire within the Panama defense forces at their headquarters in Panama City, and there may be a coup in process.

It has been widely believed that many in General Noriega's officers corps have been deeply involved with Noriega in his criminal enterprise. Yet, only one officer, Luis Del Cid, has been named or has been indicted along with General Noriega.

Could you explain that indictment? Do you have information on other military officers, particularly relating to drug trafficking? And to what extent would that information go?

Mr. KELLNER. Again Senator, it is very, very difficult to discuss things that are not an indictment because obviously we have continuing investigations. It was the result of a long-term investigation, a year and a half, that resulted in the indictment of Noriega and Mr. Del Cid. I believe it would be inappropriate for me to comment on other people because it may impact investigations. And because of my position as a U.S. attorney who has to deal with the prosecution to violators of our laws, I am constrained to deal only in the terms, and the way I speak is in terms of indictments and evidence in court.

While I may have beliefs about the involvement of other people, if I do not have the evidence that I can present, I think it would be inappropriate and really irresponsible of me to try to describe these things. If I was not in my position, I could say other things.

Senator D'AMATO. We understand.

There has been the indictment of the one other officer, Major Luis Del Cid.

Mr. KELLNER. Yes.

Senator D'AMATO. Let me ask you this. In your statement you state that you developed a strategy of focusing investigative efforts on the foreign criminal enterprise, the organization, because, as you have also said, to arrest the carrier, the mule, the sea captain, he will be replaced. Those can and often are replaced. So you are looking to penetrate the organization to get at the officials who provide the protection, et cetera, to get at the Noriegas. I commend you.

What barriers do you face in prosecuting these foreign criminal organizations and corrupt officials?

Mr. KELLNER. The major barrier we face—let us talk about a specific indictment. In August 1986, as I said in my testimony, we identified and indicted who we believe are the leaders of what we call the Medellin Cartel. Among those people are Pablo Escobar, Jorge Ochoa, Fabio Ochoa, et cetera.

Senator D'AMATO. I was going to ask you if you would trace for us, give us the example of what the frustrations and the difficulties are.

Mr. KELLNER. In that particular case——

Senator D'AMATO. Ochoa.

Mr. KELLNER. Ochoa.

We have sought his indictment, we have sought his extradition. First, he was arrested in Spain on our indictment. We aggressively sought his extradition. Unfortunately, certain officials in Colombia interposed another extradition request which the court in Spain said had precedence over ours. And instead of returning Mr. Ochoa to the United States to the southern district of Florida to stand trial on our charges, he was returned from Spain to Colombia, where he was released almost immediately.

Subsequent to that, Mr. Ochoa was arrested again by the Colombian authorities. And despite assurances that I understand were given to officials in our government, he was again released.

Pablo Escobar and the other named defendants move freely about Colombia and are not subject to extradition. And of course, that is a problem.

All the indictments that we bring are merely that, pieces of paper, words on paper, unless we can bring these people to stand trial. And that is one of the things that they fear. They fear it because we are aggressively utilizing our laws, that a fair trial will be held here, not subject to corruption, not subject to fear, not subject to the blandishments that the cartel can provide.

A case that is going on right now, Carlos Lehder, in Jacksonville by Bob Merkle: that is an example of how to effectively utilize the laws and have his return here. Unfortunately, it is not done enough.

That is why in my testimony I say that my major concern internationally is the fact that foreign countries are providing safe haven for these traffickers, knowing full well that we have indicted them, knowing full well that they have violated their own laws, and we cannot reach them. And that is a very frustrating thing for not only myself but my assistants and the agents who work these cases. I think they still have to be done. I think that the first thing you do is develop the evidence and worry about getting the guy back afterwards.

Senator D'AMATO. Let me ask you this, as it relates to Colombia. Do you believe that Colombia is too far gone? That the drug cartel, after the execution of their attorney general and the supreme court judges and now the recent move by their attorney general that would seem to indicate that they are not going to honor any of the extradition requests, has gained too much power. How would you characterize those who make the statement that it is too far gone?

Mr. KELLNER. Colombia, I think, is a tragic problem. If there is any country, any group of law enforcement officials on the front line in international narcotics efforts, it is those honest and courageous people in Colombia who have suffered enormously at the hands of the cartel. Judges have been killed. The attorney general has been killed. The minister of justice has been killed. His successor had to be sent to Hungary as an ambassador to have protection,

and that was not good enough, because they tried to assassinate him there.

I think these instances show that there are a lot of people in Colombia who really are concerned and are hard working.

My concern is that through this terror campaign, they have extorted the Colombia Government and have put fear into the people who are responsible to the extent where they may in fact be too far gone, that Colombia is in a position where the cartel has a stranglehold over the government.

It is a very unfortunate thing and is one of the reasons why I say that when we deal with this problem, we cannot only look at it domestically but it really is a national security problem.

Senator D'AMATO. Let me pursue that line of questioning as it relates to extradition, because there are those who have suggested that if General Noriega were to leave voluntarily and go to Spain or some other country who might agree to allow him to settle there, that we should not pursue a policy of extraditing him. I would be interested in your opinion. I have some of my own. I think that, notwithstanding the fact that it may be more difficult, that to promise someone on this level who has been part and parcel of this organized crime cartel, who has suppressed the people, who has been responsible for countless deaths within his own country and Lord knows how many here in this country directly or indirectly, would be sending the wrong message.

If we are going to be serious about it, we have got to pursue. Certainly we should not make a promise of safe haven or a life that will not be pursued or of not following forth on extradition. I would like to hear your thoughts on this.

Mr. KELLNER. Whenever we look at these cases, and whenever we indict them, we assume that we will try the person who we charge. I do not think it is said enough that under our system of law everybody is presumed innocent until found guilty in a court of law, and that applies to General Noriega as well as anybody else we indict. I think the advantage that we have with our criminal justice system is that we keep it immune from the political process.

We look at the evidence irrespective of where the person is in the political spectrum, and that person is charged. That makes us, I think, independent and free from political influence.

Anybody that my office indicts I want to see returned to stand trial—and I have not been approached at any level with any suggestion that this will not happen with General Noriega. I am working on the assumption that he will be returned, maybe not today but ultimately that the man will stand trial.

I think it would be premature to discuss the issue of whether or not he should go to Spain and not be returned and not be extradited from Spain. I have read those newspaper reports. Everything that I have been told is that there is no such plan. I have been informed by the Department of Justice that they support the position that this man should ultimately be extradited.

Senator D'AMATO. Good.

Let me ask you this. And again, this may go beyond what you are willing to state publicly or even privately. Do you believe that the State Department has followed through aggressively enough with foreign governments as it relates to seeking the extradition of

corrupt officials and the drug runners, such as Ochoa and others, that we have talked about?

Mr. KELLNER. I take a very parochial view of that subject from my position as U.S. attorney in the southern district of Florida. To me drugs is number one, and that is what I have to deal with.

Senator D'AMATO. Would you like to go over to the State Department and head that bureau?

Mr. KELLNER. Pardon?

Senator D'AMATO. I think we need you over at the State Department heading that bureau.

Mr. KELLNER. Well——

Senator D'AMATO. Bring up drugs to number one.

Mr. KELLNER. Senator Graham is not here, but he knows my views about Miami and why I would never leave Miami. I like it too much there, especially the weather after today.

Again, I have that parochial view. There are maybe other considerations of which I am not aware. I want the people who we have charged to return and stand trial. I believe that drugs is the problem that all the Senators on this Caucus have said it is. I think that is the number one issue that is facing this country.

Senator D'AMATO. Do you think our State Department has elevated it to the priority that it should have?

Mr. KELLNER. I certainly hope they do.

Senator D'AMATO. That is a good answer at this point in time. And I recognize that you might not or cannot share with us some of your frustrations; that there are certain constraints.

That little buzzer means that now we have a real vote. Last time it was a vote to compel the attendance of absent Senators. This apparently is a legitimate vote. I have 7 minutes.

So I am going so I do not miss another vote.

I am going to take leave and say that we will adjourn until Senator DeConcini returns. I will go down to make that vote. And then I would like to pursue another question as it relates to extradition and the situation in the Bahamas which I think is really deplorable.

[Recess taken.]

Senator DECONCINI. The committee will reconvene.

Until Senator D'Amato and Senator Graham get back, I will just pursue one little line of questioning.

Mr. Kellner, regarding extraditions, what is the procedure for a U.S. attorney when you indict a foreign national to attempt to get them extradited?

Mr. KELLNER. When a U.S. attorney's office indicts someone who is a foreign national and not in this country?

Senator DECONCINI. Right, not in this country, right.

Mr. KELLNER. We submit the indictment to the Office of International Affairs of the Department of Justice, who have experts with respect to, I guess, the entire world on extradition. We submit it. We say we want to have this person returned to stand trial in the southern district of Florida. They come back with a list of things that are necessary—first they tell us whether it is possible or not. And then they tell us what is necessary pursuant to the treaties between the United States and the particular country. Normally it would involve affidavits of evidence to establish a prime facie case.

We sometimes meet with the lawyers in the foreign countries who represent our interests, and that differs depending on the country.

Sometimes we are required to hire our own lawyers. The government is required to hire private counsel for the extradition request. Sometimes pursuant to treaty or other arrangement, the government itself does the extradition.

With respect to the reverse side, my office gets extradition requests from again the Office of International Affairs. We do the extraditions on behalf of foreign countries.

Senator DECONCINI. Regarding the Panamanians, Cubans, and Colombians and other foreign nationals, most of those, have you requested extradition, like Ochoa?

Mr. KELLNER. With respect to the Ochoas, we have sought the extradition from Colombia. And with respect to Jorge Ochoa, we have sought the extradition initially from Spain, where he was arrested pursuant to our provisional arrest warrant.

Senator DECONCINI. And that went through this course, this normal course?

Mr. KELLNER. Yes, it did.

Senator DECONCINI. How long does that take, or is there a period of time that you guys like to see it happen? Probably overnight——

Mr. KELLNER. We would like to see it overnight, but we recognize that cannot be done. I mean, it does not happen in this country either. When another country seeks an extradition from this country, it has to go through the process. There is a magistrate and district court, and there are appellate rights. It can take anywhere—it is very difficult for me to say how long it takes. It depends on the country.

Senator DECONCINI. I presume you sent that paperwork in for Mr. Noriega, General Noriega?

Mr. KELLNER. That process—yes, we have informed the Office of International Affairs. I am not sure exactly where in the process it is.

Senator DECONCINI. When did you send that?

Mr. KELLNER. Oh, shortly after——

Senator DECONCINI. After the indictment?

Mr. KELLNER. Yes.

Senator DECONCINI. In the month of January 1988?

Mr. KELLNER. February.

Senator DECONCINI. February 1988?

Mr. KELLNER. February 1988.

We informed them, they are aware of it. We have been informed that the treaty between the United States and Panama does not provide for, does not require the extradition of nationals.

Senator DECONCINI. Of course, that does not prohibit us from asking as a country to extradite.

Mr. KELLNER. I learned in law school there is no harm in asking.

Senator DECONCINI. Pardon?

Mr. KELLNER. There is no harm in asking.

Senator DECONCINI. Mr. McNamee, how about you? Have you gone through the same process with foreign nationals, particularly the Mexicans that you mentioned?

Mr. MCNAMEE. It is my understanding that not only have we done that but the other people on the Southwestern border do the same thing.

Senator DECONCINI. And all the nationals that you have indicted, you have put in this request?

Mr. MCNAMEE. Not all of them.

Senator DECONCINI. Most of them?

Mr. MCNAMEE. Most of them, and sometimes we find that if we have reason to believe that some of these people may enter the United States, we sometimes try and place our——

Senator DECONCINI. Can you supply us a list of how many those are and some of them by name?

Mr. MCNAMEE. Yes. Can I do that at a separate time?

Senator DECONCINI. Surely.

Mr. MCNAMEE. Thank you.

Senator DECONCINI. Certainly.

And can you also give us how many are still pending, the dates you sent them and whether or not they have been granted?

Mr. MCNAMEE. Yes.

Senator DECONCINI. I mean, the request has been made.

Thank you.

I yield to Senator D'Amato.

Senator D'AMATO. Thank you, Mr. Chairman.

I just wanted to pursue with Mr. Kellner the question of the attempt to extradite. First of all, I note that in your statement you have indicated as it related to the ability to extradite people. It gave you the opportunity to pursue the Noriega matter. Also, Costa Rica was very, very cooperative, I believe, in terms of getting Floyd Carlton. So once you were able to get Carlton, Carlton was able then in essence to give the direct linkage to Noriega. Is that——

Mr. KELLNER. That is right.

Senator D'AMATO. Now, one of the things that both Senator DeConcini and I have been very much concerned about is the cooperation or lack of cooperation as it pertains to the extraditions in the Bahamas. There is the case that I think you may be involved in, which is the Nigel Bowe case. Is your office——

Mr. KELLNER. Yes. And the State of Florida has also indicted Nigel Bowe.

Senator D'AMATO. That case is one in which, as I explained to the attorney general of the Bahamas, has taken on the kind of character that even the locals, the cab drivers, know of the famous drug person, Nigel Bowe. I had the attorney general from the Bahamas, a very well-spoken, articulate, individual. I tell you he could join the Senate, because when he gets done making a 2-hour statement, you are right back; you know, the circle has been completed. And you want to apologize to him for even putting the question to him. He is really a master. He must have been a heck of a defense lawyer. He can befuddle anybody.

The fact is that he tells me about their process. How hard is the State Department pushing as it relates—and if you had the cooperation from the Bahamas that you had from Costa Rica, do you believe you would have Nigel Bowe extradited?

Mr. KELLNER. The issue of Nigel Bowe's extradition is a troubling one to me, quite frankly, because when we submitted the re-

quest, it was being handled by the Bahamanian Government. We were faced with a series of reverses in the court. And I became sufficiently concerned about it that I requested the permission of the Department of Justice to have a private attorney, Queen's counsel, who is expert in extradition under the common laws of the commonwealth, review this. And I was given that permission. I had a Queen's counsel out of London review the matter.

It was his view, which I share, that it was not being handled in a manner that would ultimately result in the extradition of Mr. Bowe. I, in turn, requested from the Department of Justice the authority to retain a private Queen's counsel, and other private counsel, to handle the extradition. That request was granted. It has cost the taxpayers of this country a lot of money to date. And we have had certain successes in the courts. But he still has not been returned.

You also asked about the State Department's cooperation. With respect to this matter, I have dealt personally with our ambassador to the Bahamas, Carol Hallett. She has been extraordinarily supportive of our efforts and has provided every assistance possible to ensure that that proceeding through the court system in the Bahamas and the appellate process will go forward as expeditiously as possible.

I could not ask for any better help. I think she expresses to me more of a frustration at the legal system and the slowness of the process than anybody else.

Senator D'AMATO. Let me ask you this. Have you pursued that matter? Have you had an opportunity to speak to the Bahamanian attorney general?

Mr. KELLNER. No, I have not.

Senator D'AMATO. Well, you do have counsel there, and I would imagine that is the manner in which to proceed.

Could you supply us at some time your counsel's, the counsel that you have retained there for the matter of pursuing this, views as to the obstacles that remain, if any, as it relates to that particular matter?

Mr. KELLNER. Yes, you know, subject to the attorney-client privilege. In this case we are really the client, but subject to that, certainly I would do so.

The process there, I know the process now is at a stage where we have succeeded at the court of appeals level with respect to whether or not our extradition request is appropriate pursuant to the treaties that exist as well as the internal domestic law of the Bahamas. The court there has held by a two-to-one decision that our request with respect to the substantive counts, substantive charges on which we are seeking extradition is appropriate. By that same two-to-one margin they have determined that the conspiracy charge is not within an extraditable offense.

My understanding of the next process, that is going to go to, or possibly go to the privy counsel in London.

But I will get whatever other information I can.

Senator D'AMATO. Thank you, Mr. Chairman.

Senator DECONCINI. The Senator from Florida.

Senator GRAHAM. Thank you, Mr. Chairman.

I apologize that we have been in and out of this meeting. If I should ask a redundant question, I would appreciate if the Chair would alert me to that.

Senator DECONCINI. The Chair was not here most of the time. So we will ask the witnesses to exercise that prerogative.

Senator GRAHAM. As I indicated in my opening statement, I would like particularly to concentrate on the situation in Haiti.

Mr. Kellner, could you review for us the background of the recent indictment of the Haitian colonel, Claude Paul?

Mr. KELLNER. I will attempt to do so consistent with the material that is public. And in some ways it really does track very much what happened with other officials that we indict in other cases. We had information that was developed as a result of arrests made in this country where people provided information in connection with plea bargaining that resulted in the identification of Colonel Jean Claude Paul as being involved in trafficking. Based upon that lead, we continued and followed up. The DEA agents did their homework, got corroboration sufficient where we believed we could seek an indictment from a grand jury, which was subsequently done last week.

Senator GRAHAM. Using your experience in the Colonel Paul case, what evidence did you find as to the relationship between the Haitian military and those involved in the drug trafficking cartel?

Mr. KELLNER. Again, in this particular case the indictment alleges that Colonel Paul along with other defendants had access to a certain quantity of cocaine which he and the other defendants requested a transportation organization to bring into the United States from Haiti through the Bahamas. The indictment does not allege that there was any involvement of other officials in that particular case.

Two weeks ago we indicted another case where again we saw shipments coming in from Colombia through Haiti with the intent of having it brought into the United States. It is the same indictment that we allege that Cuba was used as a transshipment point.

We are seeing increasing evidence through indictments, through seizures, through body carriers through the airports where Haiti is increasingly being used as a transshipment point for narcotics. The DEA is very concerned. I have spoken to them about this issue, because this is of fairly recent vintage.

It is very difficult again for me to talk about corruption because I have not indicted anything like that yet.

Senator GRAHAM. If you could comment as to whether from these individual cases you have any opinion as to whether the role of the Haitian military or other elements of the Haitian Government are part of this process or if it is a case of individual transgressions of persons who happen to hold military or governmental responsibilities.

Mr. KELLNER. Senator, I believe that it is really too early for me to make any kind of statement like that. We just still have to see. We still have to investigate. We have to see where those investigations lead us. But at this point it is very difficult for me to answer that question.

Senator GRAHAM. We do have an extradition treaty with Haiti, I understand, that is approximately 30 years in age. Have we made a

request of the Haitian Government to extradite under these indictments? If so, what response have we received?

Mr. KELLNER. I am not sure that the process is completed yet.

Again, what we will do is we submit the indictment. Again, the indictment was last week. We will submit the indictment to the Office of International Affairs, and we will go through the process of gathering the evidence if they say that there is a viable extradition treaty.

Again, we rely very heavily on the Office of International Affairs. Neither myself nor any of my assistants are well versed in the intricacies of the variety of different treaties we have. So we rely on them. We submit them to them, the indictments. They tell us what is necessary, what kind of translations, what kind of evidence we have to submit. And we really do what they say with regard to extraditions.

Senator GRAHAM. They in this case being primarily the State Department?

Mr. KELLNER. Well, no, the Office of International Affairs of the Department of Justice, not State. Our own international affairs unit.

Senator GRAHAM. I see.

Under the current certification for cooperation law, there are 24 countries which have been designated as major drug producers or shippers. A minimal threshold of 5 tons of production for an amount transshipped has been used as a benchmark for countries to be placed on that list. Given that threshold and based on the information that you have developed, do you believe that Haiti has met the standard to be included on the list for annual surveillance of cooperation?

Mr. KELLNER. Senator, I am not sure. As I said, the movement of narcotics through Haiti is of fairly recent vintage. For example, I do know that 2 weekends ago a 1,000-pound load was seized by the Coast Guard coming from Haiti.

From my knowledge—and again, I did not look at it specifically before I came in and testified here—that was the largest load I had ever heard about that we have indicted. I certainly can find out for you the quantity we have seized coming out of Haiti. I do not know whether it reaches 5 tons. I just do not know the answer to that.

Senator GRAHAM. I would like to shift to another dimension of the Haiti issue. That relates to those Haitians who are in this country involved in drug trafficking. Last year testimony was received from various State and local law enforcement officials in Florida which indicated that in their judgment Haitians were significantly involved in the distribution of cocaine particularly crack cocaine in communities in central and south Florida.

Have you been involved in any investigations or prosecutions relative to Haitian nationals involved in drug activities within the United States?

Mr. KELLNER. I am not aware of any indictments that we have had in our office. We do work closely with State and local authorities. We, I think, are in a peculiar situation in the southern district of Florida, because of the overwhelming international problem we have. Because of that, we divide up with the State and local authorities of where we focus our efforts.

Our efforts are very much focused on the cartels and the interstate transportation networks. The State and local authorities try to deal as much as possible with the local type of trafficking, simply because we are overwhelmed as the State is. And that, we find, is the best way to divide up our resources.

When we see an organization—I can give one example—of a local organization that has extraordinary impact in the community, we will work with the State and utilize Federal resources. In one case that was recently concluded, it involved a man named Isaac Hicks, which was a major crack dealer in Miami. That man was tried in the Federal system. As a result of that trial, he was convicted and sentenced to 147 years. But very much the State recognizes that our resources should be directed toward the international efforts.

Obviously when the State FDLE work these cases, they work in conjunction with DEA. We provide any assistance we can. But ultimately it is acknowledged by all of us that it is better for the State to handle those cases. When they feel they have a problem because of maybe the international aspects or there are certain things that we can utilize our laws better than they can prosecute in the State system, then we will do it. But there is close coordination.

Most of those cases, I believe, have been made by the State of Florida.

Senator GRAHAM. I would like to come back to that with a concluding question, but staying for a minute on the Haitians' involvement in drug distribution within the United States, are you familiar with the efforts at deporting those Haitians who have been convicted of involvement in domestic drug activities?

Mr. KELLNER. I am aware of that particular issue, not only as it relates to Haitians but other types of defendants who are illegal aliens. Many of the defendants that are arrested by Federal authorities and by the State as well are illegal aliens, who are subject to deportation.

The question is, when do you deport them? It is my view that they should not be deported immediately. The problem that I have with deporting an individual immediately is that you then have turnstile justice. A person will come in with a quantity of cocaine or any other illegal narcotic, knowing full well that all we are going to do is arrest him and then send him back to his own country, where the likelihood of him being tried and convicted in his own country is negligible. So there is no deterrent to continuing to do this.

What we do, and what I strongly believe is the right thing to do, is to arrest these aliens, convict them, make them serve their sentences, be it within the State system or the Federal system, and then deport them. And I know that is being done.

I think to do otherwise would be a mistake. I think we would be flooded with narcotics even more than we are now if we in effect said to people that we are not going to prosecute them. And that is, in effect, what would happen if we were simply deporting them after we catch them.

I think the problem on the southwest border must be twice what I have.

Senator GRAHAM. Let me state the problem as it has been defined by State and local officials in Florida, and then maybe Mr.

McNamee, you could comment as to the situation in your jurisdiction.

That is that an illegal refugee is arrested for a drug related offense, is bailed out for that offense, and while awaiting trial goes back into dealing again. And I have had a number of sheriffs and other local law enforcement officials complain that INS has not been sufficiently aggressive in their efforts to identify and deport or hold these individuals, and therefore they become a revolving door, not back in their home country but a revolving door within the community where they were originally arrested.

Mr. MCNAMEE. You address a very interesting and complex problem. It varies a lot from jurisdiction to jurisdiction. So let me tell about my particular jurisdiction. We basically prosecute anyone that is referred to our office. The only one who is turned back into Mexico for prosecution is someone who we have a prearranged arrangement with the prosecutors and law enforcement of Mexico where they take a specific individual who has agreed to go back and cooperate with them. And we expect to hear back as to their success.

Generally, we prosecute people, and we take just about every case, and I know Pete Nunez does that, too. They take almost every case. As you might expect, along the Southwestern border there is a high incidence of illegal aliens involved who are couriers who get prosecuted. Oftentimes these people get jail terms.

As you go up the ladder of sophistication, where bond is set by a magistrate, as you know, the government attends the bond hearing. We will argue that they be detained without bond. Defense counsel makes an argument the other way around. The magistrate is forced with setting a bond, and many times as you move up the ladder of sophistication a bond is set, the bond is paid, and the people leave the country and go right back into their haven of sanctuary, so to speak.

So it is hard, that is a problem. The biggest thing that has been helpful is the pretrial detention statutes that have been passed. We are detaining people now that have never been detained before, that were always in what they call turnstile justice. That has been the biggest thing that has really helped to help us, because when they know they are arrested they are going to stay in jail pretrial detention. So that has been a big help.

There are glitches with State and local people where INS may not be able to get there with a detention order. But the magnitude of the problem is such that those glitches will occur. In our district we have gotten the cooperation of the district director of INS. We have seminars that we put on for State and local people about how to get in contact with the Federal authorities, who they should contact, how they go about this process so that the glitches are reduced. I think that is one thing that a lot of U.S. attorneys do. We provide an educational forum to try and make this system work better in an all-around process.

Senator GRAHAM. Mr. Chairman, if I can conclude with one last question, which goes back to a previous response from Mr. Kellner relative to the priority on your resources which you give to dealing with international drug related issues leading to State prosecution, those that are domestic. Does that result in a border State, wheth-

er it is Arizona, California, or Florida, the local prosecutor, the State prosecutors being called upon to prosecute cases which elsewhere in the country would have been handled within the Federal system?

Mr. KELLNER. I do not believe so. When I say domestic, I was really referring to intrastate. When we are dealing—in the southern district of Florida we have a peculiar problem. One, we are dealing with the international trafficking that is coming in. Second, and a lot of my brethren all over the United States say, every time we indict a case someplace else, it always leads back to Miami. The reason is that much of the wholesale distributions, whether it is in Atlanta, Tucson—well, less on the west coast—but Atlanta, New York, Washington, DC, always leads back to a supplier in Miami. Those types of cases are done in the Federal system, whether it is done by the U.S. attorney in that city or is done by my office.

Interstate we have the obligation, we have the responsibility and, more importantly, we have the tools to do it. In order to effectively utilize all the tools, when we see an intrastate problem, especially in Florida, and with the cooperation we get from State and locals, we utilize their resources effectively. If they feel they cannot do it, we sit down and say, all right, if you cannot do it for a variety of reasons, let us see if we can do it.

But that is the way we try to divide it. And I think that is done throughout the United States, where each of us as U.S. attorneys have limited resources and we try to divide up with State and local authorities what is the most effective means of utilizing the limited resources of all of us. And I do not think that that is peculiar to my district alone.

I think it is done very well in my district, in fact all of Florida, because of the cooperation of all the State and local people.

Mr. MCNAMEE. The same thing, we work very well with the State and local people. We have a lot of our resources which are devoted to the large international and interstate conspiracies. We have a lot of other people that do the reactive type drug problems. And we have a whole host of other crimes which are referred to us.

We do try to work very closely with State and local people and get everyone involved.

Senator GRAHAM. Mr. Chairman, are we going to have another round of questions?

Senator DECONCINI. The problem is, Senator Graham, we have Commissioner Von Raab waiting for us. He has to leave no later than 12:30. So we are a little bit tight here with the votes that we have had. If you would like maybe to ask these gentlemen to stay around and talk to you or something, we could try to do it. Or we might set another date for a hearing.

You guys do not mind traveling back to Washington, do you?

No comment.

Mr. MCNAMEE. We are always happy to come back.

Senator DECONCINI. It was my intent, Senator, to move on after everybody has had one line of questioning here. If you want to submit questions, I am sure they would attempt to answer them for the record.

Senator GRAHAM. Very good. Thank you, Mr. Chairman.

Senator DECONCINI. I do want to ask Mr. McNamee one question.

You made a statement there that you do work with Mexican officials and when you have indicted somebody or you are pursuing somebody down there, what kind of responses do you get?

Mr. MCNAMEE. Senator, I think you may have been out of the room when we talked about this a little earlier. And that is, this is an hour by hour, minute-by-minute cooperation opportunity. We never know when the opportunities of someone arrested will agree to go back into the Republic of Mexico and cooperate with the officials.

Senator DECONCINI. The cooperation is someone that you have got custody over who is willing to——

Mr. MCNAMEE. Return.

Senator DECONCINI [continuing]. Return and continue to work for you?

Mr. MCNAMEE. No, continue to work with the Mexican officials in Mexico and/or be prosecuted in that country.

Senator DECONCINI. I see.

Mr. MCNAMEE. Oftentimes we have returned people, and the Mexican federal judicial police have gone back and busted up a lab or a group of traffickers or in one case they seized a warehouse with 26,000 pounds of marijuana which was scheduled to come into the United States. Those are limited areas of success that we have used. It is not a broad program. It does not work all the time. But I guess the thing is, we never give up. We keep trying and we keep trying.

Senator DECONCINI. If you can put it together, you use it.

Mr. MCNAMEE. That is right. If it works, it works. If it does not, we prosecute them in the United States.

Senator DECONCINI. Thank you.

Does the Senator from California have any questions?

Senator WILSON. Mr. Chairman, I was going to pursue a line of questioning, but actually I think the statements made by both of our witnesses this morning are not only quite self-explanatory but eloquent.

I assume someone else has focused on the statement that was made by Mr. McNamee that based on his 17 years in the U.S. attorney's office in the district of Arizona, it is his opinion that all of the drugs intercepted along the Southwestern border or entering the United States from a foreign nation principally are from the Republic of Mexico. That is no mean statement. And I think someone with 17 years in that office probably has a very good idea. I think his opinion is probably very well informed. And I think that that statement, that all of the dangerous drugs that are coming into this country are coming principally from Mexico, is not a statement to be ignored or to be given anything less than the full importance it deserves.

Senator DECONCINI. Thank you, Senator Wilson.

Gentlemen, thank you very much for your time and patience with us having to vote.

Senator Graham, I am sorry not to have another round. I would be glad to try to facilitate you at another time, or we may hold some hearings on this committee, too.

I would like to ask Mr. von Raab, Commissioner of U.S. Customs, and Mr. Monastero, former Chief of Operations, Drug Enforcement Administration, if they would please come to the table.

I appreciate your patience in waiting for us. If you have a brief statement, we have a number of question we would like to ask you. We will start with the Commissioner. Or if you are not ready, Commissioner, we will start with Mr. Monastero.

STATEMENTS OF A PANEL CONSISTING OF WILLIAM VON RAAB, COMMISSIONER, U.S. CUSTOMS SERVICE; AND FRANK MONASTERO, FORMER CHIEF OF OPERATIONS, DRUG ENFORCEMENT ADMINISTRATION

Mr. VON RAAB. Mr. Chairman, I just have a very brief statement. There is no question but that the area surrounding our Southern border has recently been seen to have developed into a crescent of crisis.

My very conservative view of government is that there are two responsibilities that we have. One is the national defense. The other is the domestic security.

The destabilizing impact of drugs on the countries surrounding our southern border is such that they actually threaten our own national defense, and the poison that is being shipped from those countries has a very real effect of destroying generations in the United States. Therefore, this crescent of crisis is truly threatening both our own national defense and our domestic security.

I believe that this issue is very, very important to the government to take a good look at.

When I was a school boy, we used to talk about the Monroe Doctrine. That seems to have fallen out of favor recently, and it has apparently been replaced by the Rio Convention and the Organization of American States. The Monroe Doctrine talks about keeping foreign powers out of the Western Hemisphere. If you will permit a slight variation on that, we now have a foreign substance in the Western Hemisphere. I would like to see some effective application of the Monroe Doctrine to that substance. Unfortunately, the OAS really has not helped in this. The last resolution the OAS passed on narcotics was to, in effect, criticize the Customs Service for inspecting flowers coming out of Colombia. That is not a very, very good approach.

I had an interesting conversation with the Colombian ambassador about this. He complained to me bitterly about the fact that St. Valentine's Day was coming up, that the Colombian economy was heavily dependent upon flowers and that we were killing his flowers by leaving them on the tarmac in Miami airport because we were inspecting them. After he gave me his lecture, I turned to him and I said, well, I have heard about flowers and St. Valentine's Day, but I have not heard about dead Americans.

It is quite clear that for every 150 pounds of cocaine that enters the United States, one American dies.

I would only leave this thought with you. We have a good neighbor policy with respect to the countries surrounding us, and I think that is a good policy. But I think we should be careful that our good neighbor policy does not get in the way of our war against

drugs. I hope that we are going to be able to fashion a good compromise between a good neighbor policy and the war against drugs. I think one of the first things we have to look at is raising the issue of the war against drugs on our foreign policy agenda.

I have spent a lot of my time on this, for the past 6 years, and I think it is the most important foreign policy issue facing the United States.

Thank you very much.

Senator DECONCINI. Thank you, Mr. Commissioner. I want to commend you for your forthrightness and your strong position that you have taken in the years that you have been a real spokesman, I think, for the administration, and a very hard position but a very fair one as well.

Mr. Monastero, thank you for being with us, and my compliments for the fine job that you have done with the DEA over a long career. We are glad to have you back before this committee.

Mr. MONASTERO. Thank you very much, Mr. Chairman.

I have about a 4-minute statement that you have.

Senator DECONCINI. Please go right ahead.

STATEMENT OF FRANK MONASTERO

Mr. MONASTERO. As you know, I have been retired and away from drug enforcement operations since July 1985. So my perspective may not be current. But I suspect things have not changed significantly in many respects. As a matter of fact, certain aspects of the problem and the way they are being addressed seem very much the same but should indeed be changed.

Let me say first that the administration and the Congress have done an excellent job of addressing many of the needs that this serious national problem creates for our country. The Congress has substantially increased funding. Just as important, more and more Members have taken a greater interest in understanding the complex issues involved. Some Members of the House, Representatives Hughes and Rangel among others, and some members of this Caucus have become truly expert in this field.

The administration has appropriately raised the priority and the focus of attention on the issue of drug abuse. The President and especially the First Lady have been responsible in large part for this heightened awareness. And the support for enforcement has been truly superlative.

Unfortunately, there are some extremely important initiatives which must be taken if greater progress is to be made both domestically and internationally. Some may feel that my remarks are presumptuous, and I regret that they may be. I dislike being critical since I know what it means to be criticized for things, many of which are not within one's control. Indeed as Chief of Operations at DEA for 3½ years, I must accept some blame for conditions as they are. Despite that, I feel compelled to point out some deficiencies as I see them.

First, there are certain key players in this war who have failed to demonstrate a pro-active posture with regard to the drug problem. The Secretary of State and the Director of OMB are such key players.

Second, as commendable as the effort has been to coordinate the Government's drug supply initiative, it is not well coordinated nor well structured, resulting in low efficiency at best.

Third, both at home and abroad we need to reassess why it is that the deterrents which are supposed to induce traffickers and users alike to stop trafficking, to stop using, are simply not working. Some of the answers are simple and obvious, some are complex and obscure. At home, for instance, we are relying on a criminal justice system which at the front end is making thousands of arrests and at the back end is clogged to a standstill. Continuing to do the same thing over and over again is a useless waste of time and money, yet little is being done to correct the situation.

Fourth, when we decide that placing resources in another country to support enforcement, interdiction and eradication is worthwhile, such support must be substantial and sustained. If on the other hand, we decide on a contrary policy for a particular country, then every part of our government must bring such extraordinary pressure on the country that there is no question of our intention. Half-hearted reactions just will not do.

These to me are some of the key issues which must be addressed to make our effort more efficient and more effective.

I will be happy to answer any questions the committee may have.

Senator DECONCINI. Thank you, Mr. Monastero.

[Prepared statement follows:]

Statement

of

Frank Monastero
Former Assistant Administrator for Operations
Drug Enforcement Administration
Current President
Association of Former Federal Narcotics Agents

Chairman Biden and members of the Senate Caucus, thank you for the opportunity to appear before you today to discuss the United States efforts to combat international narcotics trafficking.

As you know I have been retired and away from drug enforcement operations since July 1985, so my perspective may not be current. But I suspect things have not changed significantly in many respects. As a matter of fact certain aspects of the problem and the way we are addressing it seem very much the same, but should indeed be changed.

Let me say first that the Administration and the Congress have done an excellent job of addressing many of the needs this serious national problem creates for our country. The Congress has substantially increased funding. Just as important, more and more members have taken a greater interest in understanding the complex issues involved. Some members of the House, Representatives Hughes and Rangel among others and some members of this caucus, have become truly expert in this field.

The Administration has appropriately raised the priority and the focus of attention on the issue of drug abuse. The President and especially the First Lady, have been responsible in large part, for this heightened awareness. And the support for enforcement has truly been superlative.

Unfortunately, there are some extremely important initiatives which must be taken if greater progress is yet to be made both domestically and internationally. Some may feel that my remarks are presumptuous and I regret that they may be. I dislike being critical since I know what it means to be criticized for things, many of which are not within ones control. Indeed as Chief of Operations at DEA for three and a half years, I must accept some blame for conditions as they are. Despite that, I feel compelled to point out some deficiencies as I see them.

First, there are certain key players in this war who have failed to demonstrate a pro-active posture with regard to the drug problem. The Secretary of State and the Director of OMB are such key players.

Second, as commendable as the effort has been to coordinate the Government's supply side effort, it is not well coordinated nor well structured resulting in low efficiency at best.

Third, both at home and abroad we need to reassess why it is that the deterrents which are supposed to induce traffickers and users alike to stop trafficking, to stop using, are simply not working. Some of the answers are simple and obvious, some are complex and obscure. At home for instance, we are relying on a criminal justice system which at the front end is making thousands of arrests and at the back end is clogged to

a standstill. Continuing to do the same thing over and over again is a useless waste of time and money, yet little is being done to correct the situation.

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These to me, are some of the key issues which must be addressed to make our effort more efficient and more effective. I will be happy to answer any questions you may have.

Senator DECONCINI. Because of the time restraints, I am going to ask members if they would keep their questions and responses from the members of this panel not to exceed 10 minutes. And due to the scheduling of the Senator from California, I will yield my time at this time to him and ask my questions later.

Senator WILSON. Mr. Chairman, thank you for your very great courtesy and kindness.

Before I begin my questions, I am really curious about something and direct a question to the Chair. You have already made clear in your characteristically straightforward fashion this morning your disappointment that we are deprived of the presence of certain witnesses that we had expected and hoped to have.

I am going to ask the Commissioner, first of all, some questions, but they really relate to some matters that may be beyond his direct ken. As I understand it, he is a member of an advisory group to the Drug Policy Board, not a member of the Policy Board itself.

Mr. VON RAAB. I am actually a member of what I would describe as a subordinate group of lower-level officials who typically work on matters before they are sent up to the Drug Policy Board. I suppose you could say our recommendations are advisory to the Drug Policy Board.

Senator WILSON. The question I had to you, Mr. Chairman, was whether or not we might find an opportunity to have another hearing that would permit us to invite members of that Drug Policy Board to come here and explain to us their feelings about the specific decisions on certification of specific drug-producing nations.

I would simply suggest——

Senator DECONCINI. Senator Wilson, let me say to you that I am so disturbed about the failure of the Justice Department to bring forward the witnesses that they said they would, at least one of them, that with the concurrence of the ranking Republican member, Senator D'Amato, I hope to work with Senator Biden or his staff in lieu thereof in issuing subpoenas and continuing this hearing. We are not closing it today.

At that same time, I certainly would work with Senator Biden or his staff and Senator D'Amato in attempting to invite, to encourage and to bring members of the Policy Board.

It is my intent today not to close these hearings but to put them off subject to the call of the Chair while I might work this out with Senator D'Amato and Senator Biden.

Senator WILSON. Mr. Chairman, I am delighted to hear that, because I think it would be a very desirable and even almost necessary thing for us to have that input.

Let me now ask Commissioner von Raab, in terms of the decision to certify Mexico, is it possible for you to tell us without breach of any security classification what the decision of that subordinate advisory group of which you are a member was with regard to the propriety and the wisdom of our certifying Mexico as being in full cooperation?

Mr. VON RAAB. The issue of the certification of Mexico was never addressed in that group. It went directly to the National Drug Policy Board. So there was no discussion of it within any group of which I was a part.

Senator WILSON. Is that a little unusual? It would seem to me that they would be very interested in the advice from your——

Mr. VON RAAB. Well, in accordance with the law, each agency did submit its feelings and its recommendations to the State Department. I presented the State Department with a letter in which I describe my feelings about Mexico, but I was not solicited nor did I propose action one way or the other on certification.

Senator WILSON. If you had been solicited and your advice sought, what would have been your advice?

Mr. VON RAAB. It will make my life a lot easier if I do not answer your question. I would be more than happy to tell you what I told the State Department about Mexico, and I can read to you from my letter.

Senator WILSON. That would be fine. I understand your position. I am not trying to make your life difficult nor that of any other official; that is not my purpose.

Why do you not just summarize your letter for us?

Mr. VON RAAB. My letter stated, with respect to Mexico, that

There is corruption among senior-level Mexican law enforcement officials, and corruption is pervasive throughout the law enforcement and military systems. A concerted effort to synthesize examples of Mexican official corruption would shock the American public. This corruption has effectively precluded our working with Mexican authorities on narcotics interdiction, and inordinately increased the level of resources we are forced to commit to the southwest border. Further, the amount of drugs entering the United States through Mexico continues to steadily climb. We cannot fulfill our obligation to the American public of preventing drugs from entering the country as long as the present corrupt situation prevails in Mexico.

The law enforcement information available to us suggests that at best Mexico is making merely a token effort to address the issue of narcotics trafficking within its borders. Moreover, our intelligence indicates that in addition to marijuana and heroin, Mexico is one of the two major transshipment countries for South American cocaine. Our own investigations as well as extensive contacts with State and local law enforcement officials indicate that powerful Mexican officials are providing safe havens to drug trafficking, making it possible for narcotics to be smuggled into and out of Mexico with impunity. When we have approached the Mexican government about cooperative efforts such as overflight, the response has been negative. In addition, Mexican officials were so unresponsive to requests for narcotic related financial information that out of frustration Customs officials have ceased working with the Mexicans. The problems in Mexico were so severe and ingrained that strong action by the U.S. Government is absolutely critical.

Senator WILSON. Mr. Chairman, I think that there was no need for my first question.

I would ask that the Commissioner's letter be inserted in full in the record. It is quite clear from the clarity with which he has expressed himself that it is his view that his agency has been precluded, to use the word that he chose, from having the kind of cooperation that could even approach anything like the full cooperation required for certification in the law.

Senator DECONCINI. Without objection, Commissioner, can we have a copy of that letter for the record?

Mr. VON RAAB. Yes.

Senator DECONCINI. It will appear in the record.

[Information follows:]

STATEMENT 1

There is corruption among senior level Mexican law enforcement officials, and corruption is pervasive throughout the law enforcement and military systems. A concerted effort to synthesize concrete examples of Mexican official corruption

would shock the American public. This corruption has effectively precluded our working with Mexican authorities on narcotics interdiction, and inordinately increased the level of resources we are forced to commit to the Southwest border. Our own investigations, as well as extensive contacts with state and local law enforcement officials, indicate that powerful Mexican officials are providing safe havens to drug traffickers and making it possible for narcotics to be smuggled into and out of Mexico with impunity.

DOCUMENTATION

The single most important factor which precludes effective and meaningful narcotics cooperation with Mexico is the level of official corruption within the Mexican Government. Documented integrity violations by Mexican law enforcement officials are becoming more prevalent. U.S. Customs Operation SABER is a continuing, multifaceted investigation designed to identify, target and prosecute corrupt Mexican officials who aid and abet narcotics trafficking into the United States by providing official protection and support to criminal narcotics trafficking organizations in Mexico. The investigation has included intensive debriefings of reliable sources of information, historical conspiracy investigations, and a very successful undercover sting. All of the information gathered to date has indicated that corruption and narcotics involvement in the Mexican government is widespread. The three paragraphs which follow detail the major investigations which contribute to Operation SABER.

From August 1987, to January 1988, undercover agents and government informants, operating from a residence in La Jolla, California, conducted a sting operation which ultimately penetrated a major Bolivian cocaine trafficking organization, and revealed a plan by Mexican Army officers and Mexican police to smuggle multitons of cocaine into the United States by aircraft, with Mexican Army personnel providing refueling and protection at a clandestine landing site in Mexico. In recorded conversations, suspects revealed the names of Mexican Army officers, as well as federal and state police commanders who are allegedly corrupt and involved in narcotics trafficking. A government informant traveled to Mexico City in December 1987, and met with Lieutenant Colonel Salvador DE LA VEGA, and retired Army Major Jorge CARRANZA, the latter a member of an influential family and the grandson of a former Mexican president. The informant was allowed to inspect a clandestine landing site near Puebla which was to be used to land and refuel a cocaine laden aircraft, and was told that protection would be provided by Army personnel under the direction of General Poblano SILVA, commander of the army base in Puebla. The informant agreed to pay one million dollars per ton of cocaine to the suspects for protection by Mexican Army personnel. In January 1988, seven suspects were arrested in La Jolla, California, among them CARRANZA and Pablo GIRON, and Mexican State Judicial Police officer, who had come to receive the one million dollar bribe on behalf of General Poblano SILVA and Lieutenant Colonel Salvador DE LA VEGA.

Another conspiracy investigation focused on an organization that smuggled cocaine from Colombia into the United States via Mexico. The suspects conspired with Mexican police and government officials, who provided refueling and protection for cocaine-laden aircraft in Baja California. Reliable informants confirm that 1200 kilograms of cocaine were successfully smuggled into the United States by this organization. Four Mexican government officials were indicted by a federal Grand Jury, including three Mexican Federal Police officers and a Mexican Customs officer.

A third investigation, conducted jointly by the Bureau of Alcohol, Tobacco and Firearms and the U.S. Customs Service, focused on illegal exportation of firearms by Mexican citizens, many of whom were Mexican Federal and State Judicial Police officers. A federal Grand Jury has indicted several individuals, including eight Mexican Federal Judicial Police officers, one former Mexican Federal Judicial Police officer, and three Mexican State Judicial Police officers.

STATEMENT 2

The amount of drugs entering the United States through Mexico continues to steadily climb. Moreover, our intelligence indicates that, in addition to marijuana and heroin, Mexico is one of the two major transshipment countries for South American cocaine.

DOCUMENTATION

The vast majority of seizure of drugs on the land borders of the United States are made in the Mexican border area. Seizure amounts significantly increased during fiscal year 1987 to epidemic proportions. The following chart displays this fact:

Cocaine: Fiscal year 1986—1,807 kilos; fiscal year 1987—8,480 kilos. Increase 369 percent.

Marijuana: Fiscal year 1986—60,409 kilos; fiscal year 1987—133,048 kilos. Increase 120 percent.

Heroin: Fiscal year 1986—27.4 kilos; fiscal year 1987—51.2 kilos. Increase 87 percent.

These statistics reference only those seizures made from the Southwest land border locations of Arizona, California, New Mexico and Texas.

STATEMENT 3

When we have approached the Mexican Government about cooperating on overflight in pursuit of drug traffickers, the response was evasiveness and stalling tactics.

DOCUMENTATION

The last formal, cooperative air operation effort by both Customs Services was operation ACE III, a joint intelligence gathering activity, which was suspended in August 1983. This joint air initiative resulted directly from discussions and the resultant Ixtapa Declaration in May, 1983. Operation ACE III, originally designed to provide training in radar intercept and air interdiction techniques to Mexican Customs Officers, resulted in successful enforcement actions for both countries. This operation generated a significant increase in cooperation on the part of SENEAM (Mexico's Air Traffic Controller organization), which led to a U.S. Customs proposal to SENEAM for access to Mexico's Merida radar facility on a regular basis. ACE III operations were suspended in August 1983 as a result of Mexico Customs' downing two U.S. registered aircraft. This was shortly followed by the crash of a U.S. Customs Service S-2D aircraft equipped with advanced radar capabilities while on loan to Mexico Customs. Although combined air operations between U.S. and Mexico Customs ceased, a plan was developed as a result of these initial efforts by U.S. Customs for a national air interdiction program with Mexico.

The plan focused on the Mexican Government's granting overflight authority to U.S. Customs. The U.S. Customs Chief Counsel conducted extensive research on the legalities of such an agreement in addition to addressing the types of authorized intrusions, interception and tracking authorities, landing provisions, joint presence aboard the aircraft, liability, and enforcement actions on foreign soil.

At the San Francisco Heads of Service Conference in January, 1984, this specific plan was only briefly discussed. Most of the discussion centered on the initiation of Operation Eagles, which would have definitely benefited from Mexico's granting of overflight and hot pursuit authority to U.S. Customs aircraft. Director General Garduno of Mexican Customs promised to support the plan, but emphasized that the issue was beyond Mexico Customs jurisdiction. On March 6, 1984, the Mexican Government replied to the overflight authority request and categorically denied all aspects of the proposal. Upon receiving the reply from U.S. Ambassador Gavin, a number of response options were formulated by the Office of International Affairs. On May 23, 1985, Ambassador Gavin once again submitted the request to Mexican Minister of Justice Bartlett who reiterated the denial, but indicated an alternative of U.S./Mexico aircraft patrolling in tandem along the border to pursue target aircraft in each one's respective air space. This alternative was deemed unfeasible by customs management since Mexico Customs Air Operations resources are extremely limited. During this same time period U.S./Mexico relations became strained as the result of the murder of DEA Agent Camarena subsequently followed by kidnap and murder threats made to U.S. authorities.

In October 1985, Mexican Director General of Customs, Victor Garcia Lizama and Commissioner von Raab met at the Director General's request. This followed an extended period of little communication between both services as a result of Mexican authorities' unwillingness to participate and cooperate in mutual enforcement efforts, the murder of DEA agent Camarena, and subsequent threats of violence against U.S. law enforcement and inspectional personnel. The Director General emphasized that certain mutual enforcement endeavors agreed to in 1983 at Ixtapa had not been carried out. Commissioner von Raab expressed his concern that U.S.

Customs is unable to pursue contraband smugglers who can easily escape apprehension by merely flying across the mutual border. In concluding this meeting, both the Commissioner and Director General agreed that another meeting take place in the future and that U.S. Customs would present its options on overflight.

This meeting marked the first time the concept of "joint crewing" instead of the original proposal of "overflight authority" was discussed between both services in an attempt to propose a joint air initiative more acceptable to the Mexicans. The concept of joint crewing of U.S. Customs P-3A aircraft in mutual endeavors was presented to Mexican Government representatives in San Antonio, Texas in December, 1985 at a U.S./Mexican Law Enforcement Conference. This initiative was favorably received by Attorney General Meese. Shortly after the meeting, the U.S. Embassy, Mexico City, assured the Customs Attache of their support for the proposal. Although the Mexican representatives remained neutral when the proposal was introduced, they seemed favorable to the fact that U.S. aircraft would not land in Mexico and at the Commissioner's suggestion the concept of "hot pursuit" would be discontinued in discussing such joint air initiatives. On January 14, 1986, the U.S. Customs Attache, Mexico, was notified by Mexican Customs that they preferred to postpone any further discussions on joint crewing until the scheduled U.S./Mexico Customs Conference. Plans for this endeavor would be presented to the Mexican delegation as agreed in the Commissioner's meeting with Director General Garcia in Monterrey.

At the 13th Heads of Service Conference, the Mexican delegation was informed that the U.S. Customs Service will no longer use the term "overflight authority" in its joint air operations proposal. John Hurley, Deputy Assistant Commissioner of Enforcement, briefly summarized the joint crewing proposal which was presented in writing the next day. During the presentation, it was emphasized that Mexican Customs personnel would serve as full crew members. Furthermore, he offered to begin training of Mexican personnel in the United States as an initial step to implementing the program. The Mexican Director General presented an alternative proposal which would not involve U.S. aircraft entering Mexican air space, but he did accept U.S. Customs offer to train Mexican personnel. In closing, the Director General reiterated that any final decision would be announced at the forthcoming attorneys general conference.

The U.S. Customs "joint crewing" concept was a scheduled agenda item at the April, 1986, attorneys general conference. Little discussion of this proposal occurred as evidenced by the conference press release which made no mention of the proposal. Shortly following this meeting, relations between U.S./Mexico Customs again became strained. Mexican Customs' again failed to allocate resources for Operation Eagles. Subsequently a decision was made to terminate any joint operations with Mexican Customs.

In June 1986, after the resignation of Victor Garcia-Lizama, Jose Scali Garcia was appointed Director General of Mexican Customs. Although Commissioner von Raab has met Lic. Scali on more than one occasion, discussions were confined to facilitation and land enforcement initiatives. However, the U.S. Customs Service is still very concerned with the lack of a joint air enforcement operation that would permanently stop the border from serving as a haven for drug traffickers and smugglers. In the last two years, there were 55 documented cases where aircraft were tracked to the U.S./Mexico border where surveillance was halted. Eighteen of these aircraft unloaded or air dropped narcotics in the U.S. Other aircraft reversed direction and fled into Mexico after discovering they were under surveillance by U.S. Customs aircraft.

Senator WILSON. Commissioner, that statement is an extraordinary statement. It could not be more clear. I take it that you are prepared to document each point however painful in that recitation of the situation in Mexico that precludes full cooperation.

Mr. VON RAAB. Yes.

Do you want me to document it right here or at some other time?

Senator WILSON. Well, I would say, since I have 10 minutes but I am sure my colleagues will be more than happy to pursue that matter, that if you wish to begin now, that would be fine. But what I would think, Mr. Chairman, is that we should ask of the Commissioner that he document points made in his letter.

Mr. VON RAAB. Fine. I will give you some additional supporting information.

Senator DECONCINI. May I suggest that you supply the committee with supporting information.

Mr. VON RAAB. Right.

Senator DECONCINI. Will that suffice the Senator from California?

Senator WILSON. Yes.

Mr. VON RAAB. By the way, I would point out that virtually all of this is contained in the State Department report. So they did reflect my comments as they were required to by law in the report.

I have not gone and looked for every single word, but I think you will find that throughout the report these comments have been reflected.

Senator DECONCINI. Commissioner, if you could extract that, yours from anyone else's and give it to us as your substantiating evidence, that——

Mr. VON RAAB. In many cases it has been identified as a Customs comment.

Senator WILSON. Yes, that is true, Mr. Chairman. One of the ironies of the State Department document is that it is replete with evidence against certification, evidence that contradicts the wisdom of the recommendation.

Mr. Chairman, I do not know how much time I have left.

Senator DECONCINI. You have approximately 4½ minutes, as I see it, maybe 4 minutes.

Senator WILSON. Good. Let me then comment that the reason for my request is that I am informed that the Drug Policy Board did not have a unanimous opinion as to the wisdom of certification. And I suppose if we are going to invite members before us, it would be proper to ask them specifically what their feelings were rather than try and get that information from Commissioner von Raab, who may not have direct information himself.

I think we need to get that on the record because there is a clear division among those advising the administration.

Commissioner, would you select as one of the examples of corruption that which you have found most egregious in terms of making possible the cooperation that you have sought with Mexican officials?

Mr. VON RAAB. Well, actually, the one that makes life most difficult is basically the inability to rely on the law enforcement officers across the river. It is not necessarily that a particular official was corrupt, except that what that does is set an example for others. It is just very difficult for us to enter into any sort of joint operations, for fear that they would be compromised by some official who is on the take from the drug smugglers. That is our problem, for example, with the exchange of information on money laundering. We would be afraid to even make a request of the Mexican officials, because in making a request, you give away some of your own information. If you ask about information about a certain operation or a certain conspiracy involving Smith, Jones and someone else, you in effect give away part of your case.

We would be afraid to do that, for fear that that information would then find its way down to the people involved in the conspiracy.

So our biggest problem is just the degree to which the enforcement organizations have been corrupted.

Senator WILSON. Have your agents encountered a situation where they have made such overtures resulting in the kind of compromise that has jeopardized the lives of informants?

Mr. VON RAAB. No, not recently. We have not disclosed any important information to the Mexican officials, at least for the past 4 or 5 years.

Senator WILSON. That is because you found you could not do that——

Mr. VON RAAB. It is our belief that we just cannot trust them.

Senator WILSON. What about the problem that you earlier identified and that has been the subject of a letter signed by the chairman and the ranking member and myself having to do with the refusal of the Mexican Government to allow hot pursuit of suspected aerial smugglers into Mexican air space?

Mr. VON RAAB. Well, one of the serious problems that we face on the border is the fact that the area just south of the border for about 100 miles is one great big safe haven. It contains well over 100 documented air strips as well as God knows how many practically usable air strips, as well as a lot of stash houses and others.

Our problem is that we cannot cross the border in order to follow aircraft back into Mexico or, for that matter, to cross the border to see aircraft coming out of Mexico. What you really have is a situation in which an aircraft can enter the United States, drop a load by parachute or do a quick landing, and take off and go back, and nothing happens to them.

We may or may not be able to get the pickup crew, if we are lucky, but the aircraft itself is totally immune or operates with impunity.

So what we did was to ask some time ago when Ambassador Gavin was still there that we would have a joint crewing of aircraft. We would use our aircraft and we would be able to fly across the border both ways. We even offered when we were on the Mexican side to allow the Mexican air traffic control in effect to control us.

Theoretically this should also be of use to the Mexicans because they do have a terrible problem of countersmuggling. Many times, planes come into the United States with dope and go back with television sets. That is the kind of contraband that they are dealing with.

To make a long story short, the foreign ministry, Sepulveda, Bartlett, the whole crowd of them, just said no. They have a sovereignty fixation, and they would not allow us to do anything.

Senator WILSON. Mr. Chairman, my time has expired.

Senator DECONCINI. If the Senator can wait, we will have another round here if we can.

Senator WILSON. I would point out that that is one example of cooperation that does not impose any cost upon the government of Mexico. We are not seeking to aggravate their economic crisis. But that is not one that would do so.

Thank you, Commissioner.

Senator DECONCINI. The Senator from New York, for 10 minutes.

Senator D'AMATO. Mr. Commissioner, first of all, let me congratulate you for your courageous stance in this effort to combat the drug flow into our country. And that is not something of recent vintage on your part. You have been totally committed to this program. It is not without certain personal sacrifice to yourself that you have undertaken this, in certain clashes with the administration. So I want to commend you.

Let me pursue the line of questioning that my colleague from California touched on. As it relates to the issue of hot pursuit, you said that matter was raised; Ambassador Gavin raised it. Is our present Ambassador to Mexico pursuing that issue?

Mr. VON RAAB. No.

Senator D'AMATO. Well, Mr. Chairman, I think that as we consider those people who we might want to bring before the committee, I think it might be appropriate to address the possibility of bringing our present Ambassador here, certainly asking him for the record what is he doing. And I think our staff should pursue this by way of at least a letter to find out what, if anything, they are doing, as well as the State Department.

Mr. VON RAAB. I can give you a list of the four items which have been agreed to between the United States and Mexico.

One is, Mexico will send a representative to coordinate tracing weapons seized in Mexico with the Bureau of Alcohol, Tobacco and Firearms.

Mexico will report to DEA the tail numbers of U.S. registered aircraft using air fields in Mexico. And Mexico will exchange information on the movement across the border of individuals from third countries known to be trafficking in narcotics.

Last, there is to be a discussion of joint operations of an air type.

The first meeting on joint operations got cancelled because the U.S. Customs Service arrested a number of Mexican general officers and Mexican MFJP types. That caused the first meeting to collapse. The second meeting which was to take place at the end of this week was cancelled because most of the Mexican officials seemed to have moved and camped in Washington to deal with this issue here. So the people we were going to meet with in Mexico to talk about joint air operations are here lobbying, I suppose, you and your colleagues on this issue.

We are going to try to catch them in Washington to talk about it.

Senator D'AMATO. Let me pursue this line. On Monday you testified before the Foreign Relations Committee about the situation in Mexico. On page 75 you had an exchange with Senator Helms concerning two Mexican governors, the former governor of Sinaloa and the governor of Sonora. Let me ask you, are both these governors involved in drug trafficking?

Mr. VON RAAB. The two corrupt governors who Ambassador Gavin, I am told, talked to the Mexican cabinet official about were the former governor of Sinaloa, Toledo Carro, and the former governor of Sonora, Ocana Garcia. Those were the two individuals that I was talking about.

Senator D'AMATO. Do you have any information on how they were involved in drug trafficking? What, if anything, they did to accommodate it, or what was their position——

Mr. VON RAAB. The Sinaloa governor, I believe, was tied up with Gallardo and was alleged to have been providing—I will not say protection; he really did not need protection. He was providing housing and food to him. He was putting him up at his house.

In addition with respect to the Sinaloa governor, many citizens groups in Sinaloa have publicly accused him of protecting criminals and having ties to drug traffickers.

I do not have any details on Ocana Garcia. I would have to get those for you.

Senator D'AMATO. Let me ask you about this fellow you mentioned, Miguel Felix Gallardo. There is quite an interesting article, Mr. Chairman, in Life Magazine. It talks about the harvest of death. It goes into the fact that there are some 10,000 government officials on the take. Mexico has become America's number one dealer. In this month's Life Magazine, it mentions one of the Mexican drug lords, and they call him the richest. That is Miguel Felix Gallardo, 42, who is Mexico's richest trafficker.

What, if anything, do you know about Mr. Gallardo?

Mr. VON RAAB. He is a very, very important figure in the Mexican drug trafficking rings. He at one point was at large in the United States. Unfortunately, he slipped the Federal net. He is wanted for questioning in Mexico. The closest I think that they have come to him was to arrest his brother or cousin, who was related to his organization. The best I can say is that he is at large probably in Mexico.

Senator D'AMATO. Mr. Chairman, I am simply going to say, because we could go into this, it just is a continuous litany. The chairman himself is so well aware of the failure of prosecutions in the cases that involve the killing of our own DEA agents; the double talk and triple talk that we get. It is absolutely mind-boggling that we could be suggesting that we are serious and, yet, we certify Mexico. It just really is mind-boggling.

And I do not blame them for not making this a priority issue, if we continue to go this way. I think I would blame our colleagues, if we do not have the courage to at least give the administration the ability and the President even if he cares for national security reasons, to go forward and to say to the Mexicans: look, the Congress of the United States is serious and you have got to become really involved in this.

I am going to ask one further question. What about your counterpart over there? Is that Scalia Garcia?

Mr. VON RAAB. Scalia, right.

Senator D'AMATO. Is he corrupt? Is he part of the problem?

Mr. VON RAAB. The Mexican customs service is not heavily involved in this effort. The last conversation I had with Scalia about drugs in Mexico was one that was sort of amusing but somewhat pathetic. One of his officers had come into the United States. We had popped him, as we say, with a load of drugs in the trunk of his car. He leaped out in his Mexican customs officer uniform. Our officer was only able to grab hold of the tail of his coat. So as he fled back across to Mexico, we had his coat, but he was back in Mexico.

The only discussion I had with Scalia about that was that Scalia asked me to return his coat.

Unfortunately, I have no information that anything was ever done to this officer. As a matter of fact, we asked that we be told what happened, and nothing happened.

Basically, I think Scalia is more concerned about the other aspects of customs activity, which is the collection of duty and other things like that, and he is not particularly concerned about drugs.

Senator D'AMATO. Well, when you have the Mexican federal judicial policy and you have possibly cabinet officers, and you have the scope of the corruption that is there, it is rather difficult for even those who are not involved actually in that corrupt practice to stand up to it. They recognize what the odds are. They recognize when the governors and when the head of the police units and army units have been corrupted out.

Mr. VON RAAB. The Mexicans themselves have commented on the problems of corruption in the Mexican customs service. As a matter of fact, just a little under a year ago the consul general in Houston, the Mexican consul general stated that they were going to fire 150 Mexican customs officials, including some top administrators, because they were involved in drugs and other corrupt activities. Allegedly President de la Madrid had ordered these firings.

The only comment I could make is that we have not seen any personnel changes yet.

Senator D'AMATO. Do you know of any major traffickers who have been tried, convicted and sentenced in Mexico?

Mr. VON RAAB. I do not know of a single one.

Senator D'AMATO. Then I think the record speaks for itself, if there is not one major trafficker, Mr. Chairman, who has ever been tried and convicted. The fact is that they are not ready, willing or able, one or the other, to take on the Mexican drug cartel.

We have a Colombia developing on our border with much more serious ramifications for this Nation as it relates to the potential threat to our own national security. The sooner we begin to realize that, certainly as it pertains to making this issue a priority, I think Commissioner von Raab is absolutely correct. We just fail to do it. I look forward to working with you.

Senator DECONCINI. Thank you, Senator D'Amato.

The Senator from Florida.

Senator GRAHAM. Thank you, Mr. Chairman.

Mr. von Raab, I would like to start with a specific Haiti question and then to both of you ask some more general questions.

One of the concerns between Florida and Haiti had been the large number of small boats coming from Haiti to ports in Florida, particularly ports on the Miami River, where they would enter, spend several hours at the dock without U.S. Customs or other personnel surveying the cargo or activities. There was a general feeling that large numbers of refugees, drug shipments and other activities were taking place. In response to concerns, the Customs several months ago initiated an intensive enforcement effort against those ships in the Miami River.

Now it has been reported that that intensive enforcement effort has been moderated and that only those ships which require pilot-

ing or tug boat assistance are being boarded before they are docked.

One, is that information correct? Two, if it is correct, what is the reason for the moderation of the intensive enforcement effort?

Mr. VON RAAB. First, I would point out that you are very modest about having this information brought to us. Normally I do not like to credit Democrats with any sort of effective action, but I must say in your case, Senator, you are the one who brought to our attention the problem of the Haitian ships coming into the United States. In response to your personal concerns, we did bring a lot of pressure on the Haitian freighters and had a remarkable amount of success: thousands of pounds of cocaine, boarded hundreds of vessels, and arrested a reasonable number of illegal aliens.

I, having been given a little bit of advance notice that you might ask this question, have just gotten off the telephone with the Regional Commissioner on this issue. He did not inform me that we had changed our method of operation at all. I will assure you that I am going to speak to him again and make certain that I just did not forget to ask him the specific question that you asked me.

I believe it is an important enforcement operation and that, if we have dropped back any on it, I assure you that we will go back to the previous method of operating. That is all I can tell you right now.

Senator GRAHAM. I appreciate your response, Mr. Commissioner, and if you could provide this committee and our office with any information that you find on that.

If I could pursue a statement that you made that during this intensive enforcement effort you had found thousands of pounds of cocaine on these vessels which had come from Haiti, do you have any sense of what the aggregate quantity of drugs seized by the Customs Service which had their origin in Haiti amounted to, say, in 1987, or since this intensive enforcement effort?

Mr. VON RAAB. In 1987, in the fiscal year, we seized a little over 7,000 pounds of cocaine and a little over 38,000 pounds of marijuana.

Senator GRAHAM. The threshold which has been used for listing a country as one of the 24 to be annually monitored for purposes of full cooperation with the United States in drug suppression efforts has been 5 tons of cocaine. Based on the fact that you indicate that we have seized, Customs has seized 3 tons plus from Haiti, would it be your sense that that 5-ton limit was probably met in terms of transshipments out of Haiti? If we got 3 tons, do you think it is likely that we missed 2 or more?

Mr. VON RAAB. I am afraid you are probably right. We usually figure that we are getting 30 percent or so. I like to think we are doing better than that, but we may have been over 5 tons.

Senator GRAHAM. Mr. Commissioner, let me now go to some more general questions, since some of the comments that Mr. Monastero made in his opening comment dealt with this. One of the major strategies in dealing with drug trafficking has been to attempt to destabilize the drug cartels. That has been a particular effort related to the Medellin Cartel in Colombia.

What information would we need or what resources would we need to apply in order to effectively pursue that destabilization of cartel effort?

Mr. MONASTERO. Well, Senator, as I inferred—and I will expand on it—first of all, every country that we are dealing with on this issue is using the same system of inducements and sanctions. Most of it has to do with prison, and so forth. In our country, as you know, the prison system in most places is in shambles because there is just not enough room for people. In other countries, countries like Colombia and Mexico as well, they have somewhat the same problem. Unless they can apply sanctions, it is not going to work. In some countries they are simply unwilling to even apply the sanctions that they have. Mexico is a good example of that.

So the first thing is—if we are going to provide some kind of help, and I guess that is the thrust of your question, we have to help them to make their system work the way it is designed to work. That is a first step.

The second step has to do with resources. As an example, Florida as a comparison with the country of Colombia or Bolivia, some of the big producers or production countries, they just simply do not have the kind of resources available for drug interdiction and drug suppression efforts that you would have in the State of Florida alone.

I can recall for example—Senator Dixon was here before—that we used to go to Illinois and say: look, we would like to run an eradication program here. The State police could provide 8 airplanes immediately to do surveillance. Those countries do not have those 8 airplanes or helicopters for this type of activity. So they need some additional resource support along those lines.

There are other similar things that we could support them on to make the system work better.

Senator GRAHAM. So you would say that the principal resource deficiency in the destabilization strategy has been the resources in the source or transshipment countries?

Mr. MONASTERO. Well, the principal destabilization strategy, there has not been any effective destabilization strategy, for instance, in countries like Colombia or Mexico, the evidence being that they are not destabilized. They, the traffickers, are working very well. The reasons they are not destabilized is that the system of inducements and sanctions is not working. It is not only not working here, but it is not even applied in countries like Colombia.

If it were applied, they would not have the resources to back it up, the criminal justice system, in other words. And number two, they do not have the resources and we are not providing enough assistance to have the resources to deal with the direct enforcement operations which would have an impact on those cartels.

Senator GRAHAM. If someone were to want to pursue what resources would be required, for instance, in a Colombia, to work with the Colombian Government in such a destabilization effort, is there a place in the United States where that type of strategy and resource to support the strategy has been developed?

Mr. MONASTERO. Well, I think the first responsibility certainly should be with the State Department. It is certainly an interna-

tional and a diplomatic problem. I think it is only right that I should explain further what I had reference to in my statement.

Colombia is an excellent example. The Colombian problem has been building for the last 4 or 5 years. Only now, I hope, has the Secretary of State been involved in addressing that kind of a problem. Well, as you have indicated, it is almost too late in Colombia to go in and stabilize that government.

So the first strategy would have been to address the problem 4 years ago and to determine what kind of needs they have. They have a need—we have to bring pressure on them, or we would have been successful then perhaps, in bringing pressure on them to make the criminal justice system work. There are ways we could have done that.

We could have assisted in helping to make the system work. Then we could have supplied far more in the way of direct resources to attack from an enforcement standpoint the cartels and the production that was going on in Colombia. I have been in places in Colombia with the Colombian police that they had never been to before, and only through our aid had they ever gotten there to begin with. And they were not able to establish substantial outposts. They were there, but it was very tenuous. But it was through our aid that they even began to be in those areas.

Senator GRAHAM. You have talked about the inadequacy of sanctions as a means of accomplishing our goal. It has been suggested that in our dealing with foreign countries that we need to have a carrot or an incentive side. Do we have such incentives for cooperation? If so, how effective have they been? And if we do not, what would be your recommendation as to whether we should have them and what type?

The Chairman just told me that my time has expired.

Senator DECONCINI. Go ahead and finish that question.

Mr. MONASTERO. Let me answer that question, but I first have to state something for the record, because I want to comment on an action that Commissioner von Raab took. You said his life is miserable. I am going to make it a little more miserable for him.

Mr. VON RAAB. Thank you.

Mr. MONASTERO. But I have to get on the record that I have been a consultant for the Customs Service in the aviation area since my retirement. I expect to do that again. I want you to know that that is not the motivation.

Mr. VON RAAB. We will not hold anything you say against you, Frank.

Mr. MONASTERO. Okay.

Let me give you a very simple example. In the Camarena case, when the Mexican Government was not cooperative, it was not the U.S. Government that took an action that stimulated them to turn around their position. It was the gentleman to my left who said, at our request, he said: what can I do to help you? We had a telephone conversation which lasted maybe 3 minutes. We said, would you consider closing the border? He said: "it is done."

Now, that alone, that one simple act elicited some cooperation from the Mexicans. It was not longlasting because we could not sustain that action. It began to leak out that the Government, our

own Government, was not in support of that position, unfortunately. But it was a simple thing.

There are a thousand simple examples, and you gentlemen know better than I what they are, that can influence a government.

Let me just go one step further and say——

Senator D'AMATO. Could I interrupt at this point?

Mr. MONASTERO. Certainly.

Senator D'AMATO. Will the gentleman yield?

Senator GRAHAM. Yes.

Senator D'AMATO. Do you think the Mexicans really think we are serious?

Mr. MONASTERO. No, they absolutely do not think we are serious. And I can demonstrate that not only with that kind of an incident but on the other side of the coin. Why is it that our domestic eradication program each year makes more arrests and seizes more marijuana? Because the system that we are applying for sanctions is not working. People are not in fact going to jail en masse when they are doing this, when they are violating the law. Their assets are not being seized en masse. The sanctions which we say we are applying are not available to apply, because the resources are not behind the system to support it.

I am not supporting jail or prison or not. I am just saying that is the system we have selected, and it is just not working. Maybe there is a better one. I hope we find it. But until we do, the system we have selected should work a lot better.

So there are both sides of the coin. We are not demonstrating our willingness here, and we are certainly not demonstrating our willingness for them to take action at home.

Senator DECONCINI. Senator Graham, Commissioner von Raab, I know you have got to leave 10 minutes ago. If you want to leave, go ahead.

Mr. VON RAAB. That is all right. I just cancelled my lunch. Will you all buy me lunch?

Senator DECONCINI. I will not do it because I have got to be someplace 5 minutes ago myself. But Senator D'Amato is a very wealthy New York man and knows all the restaurants and will be glad to do that.

In any event, before I close the hearings for today, I do want to ask you, Mr. Monastero, and I do not want this to sound like I am picking on anybody, but my experience with the DEA has been so much different than it has been with Customs, of their working cases or attempting to work cases with Mexican officials and not wanting to expose the lack of that cooperation. And even when it is brought to their attention, they are silent because, I assume, Justice has told them not to participate.

Without getting into the specifics, but in your opinion with the experience you have, has that approach, if I am stating it correctly, has that approach brought forth any substantive success in dealing with Mexican drug officials as it relates to the Mexican law enforcement officials?

Mr. MONASTERO. There are certain benefits that have been derived from the way DEA has pursued that. And one of them, for instance, is the fact that it does disclose, whether or not we can do anything about it, it does disclose a structure, an organization

structure supporting drug trafficking into the United States, by which all of us become aware that there is a problem in Mexico.

That is one thing to consider.

Second, unless we have the total support of our Government, there is not much point in us leaving a country unattended, whether the president is corrupt or, you know, many officials are corrupt. Unless there is total support, total pressure from the government, there is not much point in us leaving a country unattended and——

Senator DECONCINI. Along that line, when you have one of your agents murdered and you have another one captured and almost murdered, and then there is such a lack of response from us pushing them to bring them to trial and final determination, not even—I am not saying that they have got to convict them and sentence them, but just do it—does that affect morale of the DEA agents?

Mr. MONASTERO. Absolutely.

Senator DECONCINI. I know the answer to that question because I have talked——

Mr. MONASTERO. Absolutely.

Senator DECONCINI. But what do you do, you just hang on there on a professional basis, saying collect what you can but you have got to be affected as to how effective you can be in that country.

Mr. MONASTERO. Well, had we not continued to pursue cases, as we are doing, or as they are doing—I still feel a part of them—would you have an indictment against General Noriega now? Probably not.

Senator DECONCINI. Probably not.

Thank you. I have some questions, but due to time I am going to close the hearing unless the Senator wants to stay and ask any further questions today.

Senator D'AMATO. No. I thank the chairman for his courtesy, though.

I fully support your endeavor to continue the hearings at a later date.

Senator DECONCINI. Mr. Monastero, thank you, and Mr. Commissioner.

The hearings are going to remain open and just be recessed now subject to the call of the Chair, as we work out some of the procedure problems with Chairman Biden and the ranking member, Mr. D'Amato.

Mr. MONASTERO. I thank you for having been a first round draft choice.

Senator DECONCINI. Thank you.

[Whereupon, at 12:40 p.m., the Caucus stood in recess, subject to the call of the Chair.]

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